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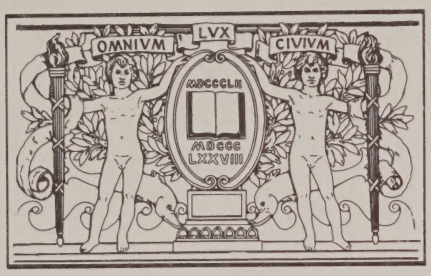

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THE SUPREME COURT DECISIONS

THE JUDGMENT

BY PETER S. GROSSCUP

THE request of the REVIEW for an article on the decision of the Supreme Court in the Standard Oil case does not, I take it, call for a review of the decision as it affects the particular case of the Standard Oil Company; nor a review of the purely legal grounds upon which the court shifted its interpretation of the Sherman Act from that adopted in the Trans-Missouri case, decided in 1897, to that adopted in the present opinion. Such a review would be interesting chiefly to lawyers; and to lawyers as lawyers, no exposition need be added to that contained in the opinion of the Chief Justice.

The interest of the public in the interpretation just given to the Sherman Act by the Supreme Court is because it is a decisive *event*—as the Dred Scott case fifty years before was a decisive event—in the line of events along which the political and economic life of the nation travels. Like the Dred Scott case, the significance of the decision is not in what was done with the particular matter before the court, but what was laid down as the law governing such matters in general. As in the Dred Scott case, the court here traveled away from the particular case in hand, that the decision might settle once and for all what is now, as what

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was then, the most prominent question in the public mind. And, as in the Dred Scott case, when the smoke has cleared away it will be found that nothing permanent has been settled—that issues as deep as the cause that now underlies the public unrest are not finally settled by *any* pronouncement that does not proceed from the public mind, made up in its own way and after its own processes of arriving at conclusions. But here the resemblance ends; for, unlike the Dred Scott case, what the court in this case has laid down as the law is not mere dicta—what the court laid down respecting the reasonableness or unreasonableness of restraint of trade to bring it within the prohibition of the act was essential to arriving at a definition or standard by which the particular case might be measured; and, unlike the Dred Scott decision also, this Standard Oil decision, instead of cumbering the ground, completely clears it for the beginning of what I believe will be the public's final way of settling existing problems.

When this number of the Review is issued the Sherman Act will just have become of age—it was passed July 2d, 1890. The first third of its life was a period of coma—though written into the book of laws, it did not stir. Then came the Trans-Missouri case—a case of railroads in alleged combination respecting rates. Here for the first time the services of the interpreter were called for. In strict letter the act prohibits "every contract combination in form of trust or otherwise or conspiracy in restraint of trade." No qualifying words are in the language of the act. The argument of the railroads in the Trans-Missouri case was that the act was meant to prohibit only unreasonable restraint of trade; that it was only unreasonable restraint of trade that was prohibited at common law; that the act was only the re-enactment of the common law into the jurisprudence of the United States, because as a sovereignty separate from the States, the United States, in the absence of statutory re-enactment, would have had no such provision of the common law. But the majority of the Supreme Court, one justice dissenting, said, No—they would not "read into the act by way of judicial legislation an exception that is not placed there by the lawmaking branch of the Government"; the qualifying word "unreasonable" was not in the language of the act—the court would not write it in. And thus the act stood—the reasonableness or unreasonableness of

the restraint of trade involved in each case being immaterial —for the next fourteen years and until the majority of the court, speaking in this Standard Oil decision, now says that the word "unreasonable," though not written in so many syllables and letters into the language used, was as effectively there as if so written.

It would be mere hypocrisy to say that the court has not turned upon itself. What the court fourteen years ago said was not in the act the court now says *is* in the act. Meantime not a letter of the act has been changed. What has changed is the attitude of the public mind—the public mind, informed by this fourteen years of experience. There are windows in the Supreme Court room from which what is going on in the world outside is in plain sight. The interpretation put upon the act fourteen years ago was hailed at that time as the people's salvation from impending conditions. The *repeal* of that interpretation in the opinion now filed is hailed again as a rescue of the people from impending conditions. Why this abrupt turn and this rapid march "on the back track"? Or is it the *back* track?

The explanation is that the Sherman Act as previously interpreted was a wholly misconceived and misdirected public experiment. It was loaded with disappointment to those who sincerely are looking forward to a national prosperity more widely distributed, and with dynamite to those whose interest is wholly in the present. As a road to restored "individualism" in trade and commerce it led nowhere; every one of its boasted achievements, like the Northern Securities case, for instance, faded entirely away the moment the last line of the decree had been written. The "dissolutions" were dissolutions on paper only; they produced no effect either on the conditions of trade or the relation of individual men to opportunities in trade. Where change followed at all, it was in the direction not of individualism, but of more intensive concentration—the previous constituent corporations welded into single corporations—thereby replacing what in law was a "combination" by what in law was a single entity, as in the steel and other industries. And as a road to better business and economic conditions the act had brought the country to the edge of the volcano. It was inevitable that an experiment of that kind would be stopped some time by somebody.

To more clearly understand this let us look at the Sher-

man Act, as previously interpreted, first in perspective and then at its workings in some detail. In their beginnings, commerce and industry were matters carried on by individuals. There were no railroads; transportation was carried on by wagons and stage-coaches; these could easily be commanded by the means of single individuals. Even the ships were so small that a single individual who by no means would be considered rich now could own and sail them. The shops were small; one sees them yet in Europe, the property of an individual. The big factory was unknown; shoes were purchased of the shoemaker, harness from the harness-maker, cigars of the cigar-maker, flour from the town miller, and clothing from the weaver. Steel there was none. Iron was forged in John Smith's furnace and coal came out of Dan Jones's coal-mine. Commerce and industry were almost entirely individual. There were few combinations or occasions for combination, and there were no monopolies except those that had been expressly granted a monopoly. Competition was *in fact* as well as in law the order of the times; and to safeguard competition, combinations that were shown to be hurtful, and monopoly, except such as was granted by the sovereign, was prohibited. It was on this state of facts that the whole law on the subject of combination and monopoly had its beginning. Compactly stated, that principle of law was that, aside from those to whom monopoly had been expressly granted, there should be no monopoly whatever and no *unreasonable* restraint of trade by any kind of contract or combination between individuals.

But in time the economic current changed. Invention came—the forces of matter unlocked by the human mind—and with that came transportation by railroad, much too great an undertaking for any single individual; manufacturing was turned from the little shop, each owned by a worker, to the factory; great mills took the place of the town mill; the steel and iron industries required furnaces so immense that only capital united could build and operate them; and a locking together of ore-fields and coal-fields, placed by nature thousands of miles apart, that only a *still larger* union of capital could bring together; so that commerce and industry in all their larger phases became corporate instead of individual. And this, too, in the face of the fact that in essence every corporation, even the smallest, was to a certain degree combination in restraint of trade. But no

hurtfulness was yet discovered in the restraint of trade resulting.

In time, however, the larger of these corporations became not merely corporate combinations of what otherwise would be individual capital and effort, but monopolies even. Railroads, street railways, telephone and telegraph companies, lighting companies, are all natural monopolies. Two or more railroads between large terminal cities cannot compete with each other in the old sense of competition without either bankrupting themselves or bankrupting all the intermediate country. It was out of competition that the whole system of rebates grew. And some of the larger corporations in commerce and industry, by getting control of trade, have *made* themselves monopolies. The "fact" that modern enterprise operates, and must operate, through combinations, and even monopolies, has become so obvious that every one sees it—every one except the "law." The "law," until this latest decision of the Supreme Court, refused to see it—refuses even now to see it to the extent that monopoly is in some fields of enterprise a helpful figure—that is, the "law" refused and even now partially refuses to accept the whole logical sequence of the times. That the fact cannot be gotten rid of—that it is a necessary sequence of modern conditions—every intelligent mind saw, every intelligent mind except the mind of the "law." The "law," in outward appearance at least, was constantly redoubling its effort to get rid of the fact. At common law, when there was little economic necessity for combination between individuals, only combinations *unreasonably* restraining trade were prohibited. Now, when every great enterprise is carried on by combination the law proclaimed, until this decision came down, that no combination that even tends to limit competition, whether reasonably or unreasonably, shall exist at all—pretended to outlaw what plainly exists in every field of enterprise and plainly must exist so long as it is not unreasonably exercised. In other words, the currents of "law" and "fact" respecting monopoly and combination, instead of running side by side as they should run, took to running in opposite directions. When I go to my tailor for a suit of clothes I expect him to fit me, not that he cut me down or fill me out to fit the clothes—it is the surgeon only who cuts into growth. The law is a garment and should be made to fit enterprise wherever enterprise is not hurtful—

enterprise not hurtful should not be trimmed to fit the law. It was inevitable, I repeat, that this should be stopped some time by somebody. Economic evolution, the product of millions of contributing causes, is a growth as certain and irrepressible as any growth in the natural world; the law can no more *artificially* change this growth than it can paint the lily or give another fragrance to the rose.

To illustrate what such artificial interference with economic evolution means, let me suppose the case of a combination dealing in a commodity that grows everywhere—that cannot be monopolized by the process of getting under one control all the sources of production. The *combination*, let us say, is clearly proven—it has its purchasers in every section where the commodity grows and its sellers in every market where it is sold.

But the *price to the producer* is not reduced. On the other hand, it is increased; and more than that, it is steadied—the abrupt fluctuations of the old haphazard methods have disappeared.

The *cost to the consumer* is not increased. The consumer pays no more, pays less, in fact, than he would pay under the old unorganized method of purchase and distribution.

The *quantity* of production is not reduced. On the contrary, it is increased, because organization has increased consumption. Trade, as "trade" is generally understood, instead of being restricted is expanded.

Now add to this another element, unfortunately not now the fact (the previous elements are facts in many of the big combinations in the country), the *number of people* who get a profit out of the business is not reduced; the combination has as its *stockholders* those who otherwise would be the individual *competitive* dealers.

None the less, even though this last element were the fact also (and the Sherman Act will never contribute an iota to making it the fact) the combination supposed, under the Sherman law as previously interpreted, would be unlawful. In other words, though production as mere production is not restrained, rather increased; though the quantity of commodity dealt in is not restrained, rather increased; though the producer is benefited; though the consumer is benefited; though the profit there is in the business of buying and selling is as widely distributed among the people as before; though all these things are true so that economically

the combination is a benefit, it was none the less unlawful. *Why?* Solely because by utilizing organization to cut down expenses and waste, the organized industry *can afford* to pay the producer more, *can afford* to sell to the consumer at a less figure, can outrun, in the matter of cutting down cost, individual competition in the race from the producer to the consumer, *thereby* obtaining the business. In other words, the combination was unlawful because, and solely because, *inherent in organization* are these economic advantages.

In no place was the misplacement of the Sherman Act as previously interpreted more clearly exhibited than in its application to the railroads of the country. Carriers, as already stated, are natural monopolies. In the matter of rates, they are subject to the will of the Interstate Commerce Commission, the State commissions, and the courts. Active competition under such circumstances is simply waste, to be made up afterward, if it is made up at all, by excessive rates. It is enough that to these carriers the State says: "You must not charge excessive rates, nor discriminate between people, nor between localities, nor give inadequate service." The commandment is reasonable and is sufficient and plainly is, "Thou shalt not." But how shall the carrier obey this command? Like the putting together of an old-fashioned stove-pipe—successfully hammered out here only to find out that it no longer fits there—the making of rates that are reasonable and non-discriminative is a difficult and complex matter. In a country as expanded as this, with cities and localities served by as many different railway lines as serve some of our cities and localities, this fixing of rates that are reasonable and non-discriminative requires conference. The natural thing is to confer. But turn over the page of the statute-book on which you have been reading the Interstate Commerce Act. On that next page is the Sherman Act. That as previously interpreted runs, "Thou shalt not confer." And it availed nothing to say that the two commandments were in contradiction of each other—that one could not be obeyed without violating the other. "Thus saith the law" was the answer—let the bewildered carrier find his own way out.

The practical result of the Sherman Act as previously interpreted was that not only the carriers of the country and the so-called big trusts of the country, but nearly every business of every character was put literally "under the

condemnation of the law." Nearly every business movement with spirit in it became a national sin. And there was no escape from the wrath to come, except to make one's peace with the executive authorities at Washington. Of course no President or Attorney-General ever wished to bring havoc to business. No mere self-seeking President or Attorney-General would wish to bring havoc to business, for that would be to drift against Charybdis on the one side of the political channel to be sailed. There was never a day, therefore, that the law was executed, or that any one intended it should be executed, against *all* who fell literally under its condemnation. But on the other side of the political channel to be sailed is always the Scylla of a natural public hunger that somebody be prosecuted. And right there the right kind of a political pilot could show his usefulness. In other words, the Sherman Act as previously interpreted put the question of who should be made to feel the condemnation, and who should be exempt—all, literally, being under one condemnation—within the discretion of the political branch of the Government. Who should be punished for violating the law was a province transferred from the courts to the Executive; and the transfer, unobserved as it was, was nothing less, as some one—Judge Lacombe, I think—has already said, *than revolution in every ideal of English and American jurisprudence.* This latest interpretation of the Sherman Act, in determining that the restraint of trade must be unreasonable to be within the prohibitions of the act, restores the question of punishment to the courts, for hereafter the reasonableness or unreasonableness of the restraint will be a judicial question to be determined by the courts. This latest decision is *the counter revolution.*

One word more. From the view-point of the business man and his lawyer it is plain that the Sherman Act, even as now interpreted, is still not definite; that no business foresight can discern what restraint of trade incidental to business may be held by the courts to be reasonable and what unreasonable; that every push of enterprise forward is to enter upon uncharted waters. And to a certain degree this is true. But it is likewise true of other liabilities prescribed by the law, such as "reasonable care" in one's relations to the safety of others, or what is called fair dealing or fraud in one's dealings with others, for in the nature of these and many other obligations laid upon men the definition must

be general; no wisdom could devise particular definitions in advance that would meet a tithe of what is bound to happen. And it seems to me no greater hardship here than elsewhere that men who enter these fields should exercise their light of reason honestly on matters under contemplation or take the consequences. The business man who will study the effects of his contemplated acts upon the rights of others, as free from the mists of self-interest as he studies the effects of the acts of others upon his rights, will not be in any great danger of being misled into disobeying the law.

On the other hand, there is a growing consciousness that modern economic methods and tendencies are chiefly in the interest of the *special* man. Where will the ordinary man be left, in his relation to those living interests that immediately environ him — food, clothing, shelter, means to educate his children, a share in his country's growing property—where will the ordinary man be found when this new age once permanently settles into form? That the ordinary man, at every step he tries to take toward a personal independence, has to yield up from his day's wage to some of these combinations, as the price of his right to live, more than they are justly entitled to take, no one doubts. That the whole field of corporate investment is permitted to be so set with pitfalls that what the ordinary man succeeds in saving cannot be profitably invested with safety, no one can doubt. The special man is safe. But where will this new age leave the ordinary man in those personal interests that are closer to him than anything else in life?

From the view-point of a large number of those to whom this inquiry is a matter of deep concern, perhaps a large majority yet, the Sherman Act, as it now stands interpreted, will look like a gun from which the load has been extracted. As a *weapon* it will look dismantled. As a mere weapon it *is* dismantled. If in the interests of the ordinary man these modern economic methods and tendencies must be overhauled and destroyed—if union of effort and capital solely because it is effort and capital *in union* must be circumvented—this latest decision has drawn the load of the only gun thus far trained against the enemy. But it was a gun, that whatever the terror of the explosion, never fired anything other than blank cartridges. And in the development of ways to secure to the ordinary man his rights in the world in which he lives this formidable-*looking* weapon, dismantled

and abandoned, is of infinitely greater service than when in fruitless action, for though it accomplished for the ordinary man nothing that really counted, it kept him and those who have his interest in mind from looking elsewhere for immediate means against existing wrongs. Indeed, the paramount benefit of this latest decision, to my mind, is that it will bring the public mind to discern that we *are* in a new age in which combinations and monopolies even are economic necessities; and that being here, as the necessary economic equipment of the times, the thing to do with them is not to train guns on them as if they ought not to be here at all, but to so safeguard them as forms of investment and so limit them in dividends allowed to be paid (their rights are State given only, not the rights of natural persons) that they will have no motive to deal otherwise than fairly with the people, and will become also, as property investments, representative of the people. Why should we continue longer to waste our energies in trying to undo what is ordained by an economic law as inexorable as any law of nature; why not, on the contrary, lay hold of it, utilize it, and broaden it, to the highest uses of mankind, just as scientists and inventors have laid hold of the laws of nature, utilizing them and broadening their use, until they have become the common possession of mankind. It is just here —the clearing of the ground for intelligent progress in behalf of the masses—that this decision is an *event—a turning event* in the life of the nation.

PETER S. GROSSCUP.

"THE REASON"

BY WILLIAM J. BRYAN

THE decision of the United States Supreme Court in the Standard Oil case—and the language of the opinion is repeated with emphasis in the Tobacco case—is epoch-making, although people will differ as to the character of the epoch which it ushers in. There are a number of things that impress one as he reads the majority and minority opinions, and the impression made is so deep that feeling increases with contemplation. It is easier for the public to discuss the subject in diplomatic language now than it will be when the far-reaching effect of the decision is fully understood. The position one takes in regard to the majority and minority opinions depends largely upon the point of view from which

he looks at the trust question. Those who regard the trust as a benevolent institution, or as a natural and necessary economic development, will be likely to approve of the position taken by the majority of the Court, and if they approve of the position taken by the Court they will quite naturally indorse the reasons given. Those, on the contrary, who look upon the trust as a real menace to economic independence and to our political institutions will applaud Justice Harlan for having so vigorously dissented, even though in dissenting he stood alone.

Let us consider the position taken by the Court and the language in which the Court's position is stated.

First: The opinion was written by Chief-Justice White, and no one can fail to note the tone of triumph that runs through it. It exhibits something of the spirit of the "Battle Hymn of the Republic," "Be swift, my soul," "Be jubilant, my feet." But the Chief Justice can be excused for betraying something of the exultation of the conqueror. Judges are merely human beings, if in saying this I am not guilty of contempt—that is, "unreasonable" contempt—and we must expect to find in them some of the faults that appear in common clay. Fifteen years ago the Chief Justice, then Justice White, wrote the dissenting opinion in the Trans-Missouri Freight case, and in that opinion, in which three other justices joined him, he set forth the same doctrine that he presents with so much emphasis in the Standard Oil and Tobacco cases. His achievement in converting a minority into a majority is being loudly praised by those who agree with his conclusions. Even so conservative a journal as the Springfield (Massachusetts) *Republican* says:

> "How can we give a second place to Chief-Justice White, whose great achievement in bringing a long and sharply divided Court into practical unity on the famous statute of 1890 elevates him at once to the very first rank among the country's great judges, and makes him comparable with Chief-Justice Marshall alone in his demonstrated powers of judicial leadership,"

although the friends of the Chief Justice may think that this literary bouquet is robbed of some of its fragrance by the fact that the aforesaid journal refers to Justice Harlan as the "noblest Roman of them all."

The spirit of the successful gladiator oozes from the opinion—so much so that Justice Harlan in his oral opinion in the Tobacco case protests against a seeming reflection upon

the distinguished jurists who joined in the opinion of the majority of the Court in the Trans-Missouri Freight case. Justice Harlan is quoted as saying:

"No one is more ready than I am to concede the ability of this Court as it is now constituted, excepting, of course, only myself. It never was stronger in all of its history than it is now perhaps; but I would be slow, as a member of this Court, on or off the bench, to say that such men as Melville W. Fuller, David J. Brewer, Henry Billings Brown, and Rufus W. Peckham did not know what the rule of reason was when they decided the Trans-Missouri Freight case and the Joint Traffic case. This Court was never stronger than it was on that day. It never had four men upon it that were wiser in the knowledge of the law and of the Constitution than the four men whom I am now mentioning, and yet we are told here to-day, as we were told in the Standard Oil case, that this Court decided those cases, great as they were, without any regard to the rule of reason. I think that those men knew what reason was, and knew what the light of reason was, and intended to apply reason; but we are so wise in this day and generation that we are prepared to say that our predecessors did not know what reason was, and decided cases of vast importance without any regard to the rule of reason. Others may say that; I won't."

Second: The next thing that impresses the reader of the opinion written by the Chief Justice is that "the rule of reason," which is presented as a great discovery, was not discovered by the Chief Justice, although he is its most distinguished exponent at this time. It was really discovered by those who were violating the law and was presented by the very learned counsel who attempted, at that time unsuccessfully, to convince the Court that the Anti-trust law did not mean what it said, or at least did not say what the Court, after a long hearing, declared that it did say. It does not detract, however, from the prestige of the Chief Justice that he was not the first to think of inserting the word "unreasonable" in a criminal law. The inventor is very often lost sight of—the man who makes the invention a success is the one who becomes known to the public—and the attorneys who attempted to use the word "unreasonable" as a shield to protect the defendants in the Trans-Missouri Freight case and later in the Joint Traffic Association case will have to content themselves with such consolation as they can obtain from the consciousness that they made the discovery (and from their fees), while the Chief Justice bows and smilingly accepts the plaudits of those who desired the repeal of the criminal part of the Anti-trust law and a paralysis of its usefulness in the civil courts.

Third: The fact that the Chief Justice has now with him

all of the new members—those who have come upon the Supreme bench since " the rule of reason " was promulgated by him fifteen years ago—suggests an inquiry which, however interesting, cannot be answered—namely, *why do all of the new judges concur in what was at first the opinion of a minority?* Why is Justice Harlan, the only survivor of those who joined in the majority opinion fifteen years ago, the only dissenter to-day? If it was due to the persuasive powers of the Chief Justice, why is he so much more successful than he was fifteen years ago? If it were proper to assume that judges were appointed to the Supreme Court *because of their known views upon important questions,* it would be easy to explain the change in the Court, for the judges are appointed by the President, and it would not be difficult for a President to select from the large number of well-qualified lawyers those who held a particular view on an important question. Some influence might be exerted in the selection of judges, even without actual knowledge of their views on a particular subject, if the general sympathy of the applicant was known, his bias for or against a certain class. It is no reflection upon a man to say that he possesses one of the biases which run through society, the aristocratic and the democratic biases being the most fundamental. The plutocratic bias is also a fact to be dealt with, and a very important fact, too. A man is often unconscious of the bias that he has, and the bias is, as a rule, more pronounced in proportion as the possessor is unconscious of it; and it is more likely to influence him, too, when unconscious. If a man is conscious of a bias for or against a certain class he is on his guard, and in his effort to overcome it he may lean to the other side; it is the man who is unconscious of his bias who is likely to go to an extreme, and that, too, with perfect honesty of purpose.

Opinion on the trust question is largely a matter of bias; it is a question for the heart as well as the head. It is a poor head that cannot find reasons for doing what the heart wants to do. It is a fundamental " rule of reason " that a man can generally find a reason—not always conclusive and sometimes not even plausible, but a reason sufficient for himself—for doing anything upon which his heart is really set. If bias is admitted—bias in the President as well as in the judge—it is entirely possible that a President might unconsciously select judges who would, without any pre-

vious pledge, agree quite naturally with those who represent their side of the great fundamental issues that divide society. If it "just happened" that in the selection of eight judges *all* should take the view of Justice White, and if it is *not* accounted for by bias on great subjects, then it shows what a lottery is conducted at the White House when the President blindfolds himself and picks judges at random, only to find that all the prizes have gone to those who do not fear "reasonable" trusts and none to those who oppose all restraint of trade.

Fourth: Another thing that strikes one as he studies the opinion of the Court is that the Court's decree is entirely lost sight of in the reasons set forth. The Court decided that the Standard Oil Company (and also the Tobacco Company) violated the law, and it ordered a dissolution. But even the defendants did not seem to regard the order as of any serious moment, while the reasons given by the Court have aroused the entire nation, and this submerging of the immediate result is the more remarkable when it is remembered that the language which has startled the country *was not necessary to the decision of either case.* Justice Harlan calls attention to this fact quite pointedly. In the oral opinion delivered in the Tobacco case he said:

"More than that, and still more than that, it is a very serious matter. What does it matter, so far as this case is concerned, whether that act of Congress contains the word 'reasonable' or does not contain the word 'reasonable'? We all agree—every man on this bench agrees—that this is an organization in violation of the act of Congress, whether the 'reasonable' is or is not in the act. It is a violation of a law of Congress. Then why could not this Court have said, under these facts, 'This corporation violates a law of Congress' and stop there—and stop there? Why was it necessary for us to go into an elaborate and ingenious argument, worthy of the genius of the Chief Justice, and attempt to show that this act should be interpreted as if it contained the word 'reasonable' or the word 'unreasonable'? Whether it contains those words or not is of no consequence in this case under this act. If there ever was a case since the organization of this Court in which a vast amount of an elaborate and able opinion is pure *obiter dicta—obiter dicta* pure and simple—it is the opinion delivered by the Court in this case as to the construction of this Anti-trust Act of 1890. I cannot escape that conclusion."

As Justice Harlan well says, in order to find the defendant companies guilty it was not necessary for the Court to discuss the question of reasonableness or unreasonableness, for in both cases the Court decided that the defendants were guilty even if the Anti-trust law were amended so as to pro-

hibit not every contract in restraint of trade, but only contracts that unreasonably restrain trade. The Court might have met the arguments of counsel for the defendants by saying:

"The question which you raise is immaterial and irrelevant. It is not necessary for us to decide whether the defendants would be guilty if the statute were construed according to the contention of the government. We may assume for the purposes of this case, without deciding the question on its merits, that the law reads as you say it ought to read, still defendant companies are guilty of not only unreasonable restraint of trade, but of outrageous and inexcusable restraint of trade. They cannot hope to escape under any construction of the law. In finding against them, however, it is not necessary for us to consider hypothetical cases. We are dealing with the cases before the Court. These defendants are undoubtedly guilty. They are guilty of clear and unmistakable violation of the law, and they cannot escape the consequences by questioning the language of the statute; they would be guilty if we construed the statute, as they ask, to prohibit only unreasonable restraint."

The Court might have said this, and if it had done so it would have been acting in harmony with precedent; but instead of doing this the Court goes out of its way to interpret the law, not for the benefit of those then before the Court, but for the benefit of those who may hereafter be brought before the Court. The public recognizes that the decision is important, not because of its effect upon the Standard Oil Company and the Tobacco Company, but because it furnishes a new interpretation of the law—an interpretation that brings a smile to the face of every trust magnate, but arouses deep concern in the breasts of those who regard a private monopoly as indefensible and intolerable.

Fifth: The decision of the Court is so revolutionary that it not only reverses a decision that has stood for fifteen years, but it amends a law, enacted by Congress, which the Court refused to amend in the Trans-Missouri Freight case. It is true that Chief-Justice White, then an associate justice, dissented, but according to our law the decision of the majority of the Court stands as the decision of the Court—even when that majority rests upon the opinion of one justice; and to make it stronger still, even when the opinion of that justice has changed between two arguments of the case, as did the opinion of one of the justices in the Income Tax case. It is no slight matter for the Supreme Court of the United States to reverse itself upon an important question, because a reversal cannot but affect rights based upon

the former decision and interests built up upon that decision as a foundation. But the reversal of a former decision is the more serious when such reversal involves an encroachment upon the legislative branch of the government. Justice Harlan in his dissenting opinion very properly calls attention to the language of the Court when this identical question was before it in the Trans-Missouri Freight case. He quotes the following from the decision in that case:

"To say, therefore, that the act excludes agreements which are not in unreasonable restraint of trade, and which tend simply to keep up reasonable rates for transportation, is substantially to leave the question of unreasonableness to the companies themselves. But assuming that agreements of this nature are not void at common law and that the various cases cited by the learned courts below show it, the answer to the statement of their validity now is to be found in the terms of the statute under consideration. The arguments which have been addressed to us against the inclusion of all contracts in restraint of trade, as provided for by the language of the act, have been based upon the alleged presumption that Congress, notwithstanding the language of the act, could not have intended to embrace all contracts, but only such contracts as were in unreasonable restraint of trade. Under these circumstances, we are, therefore, asked to hold that the act of Congress excepts contracts which are not in unreasonable restraint of trade and which only keep rates up to a reasonable price, notwithstanding the language of the act makes no such exception. In other words, we are asked to read into the act by way of judicial legislation an exception that is not placed there by the lawmaking branch of the Government, and this is to be done upon the theory that the impolicy of such legislation is so clear that it cannot be supposed Congress intended the natural import of the language it used. This we cannot and ought not to do. If the act ought to read as contended for by defendants, Congress is the body to amend it, and not this Court by a process of judicial legislation wholly unjustifiable."

It will be seen that the Court at that time not only refused to amend the Anti-trust law by inserting the word "reasonable," but declared that it had no constitutional right to do so. The Court now does the very thing which the Court then declared to be unconstitutional. What higher condemnation is there than condemnation spoken by the highest Court of our land? Of course the last decision supersedes any former decision. If the Court declares to-day that the insertion of the word "unreasonable" in the Anti-trust law would not be judicial construction, but a legislative act prohibited by the Constitution—if the Court decides that to-day, and next year a new set of judges reverse the decision, the new decision would stand as the supreme law of the land, but it would not lessen the moral weight of the former de-

cision. The Court which decides that it has no right to exercise a certain power—thus deciding against itself—must have weight with an unprejudiced mind, even though the Court, composed of different judges, decides later that it possesses the power formerly denied. We understand the natural tendency to enlarge upon one's powers—a tendency from which courts are not entirely free, and we cannot at once rid our minds of the impression that the opinion of the former court deserves careful consideration.

Under our Constitution the Court has the final word as to a law, and the only way in which the public can protest against judicial legislation is through the legislative branch of the government. While the Constitution divides the Federal Government into three branches, each independent of the other, it gives to the Supreme Court the power of interpretation, and this transcends for the time being the powers vested in the Legislature. But the people are not mocked; they can by legislation restrict the construction of the Court and prohibit a construction which will nullify a statute.

Then, too, the people can reach a Court through the changes that are constantly occurring in the personnel of the Court. It would have been difficult fifteen years ago to conceive of such a change in the Court as would result in an eight-to-one decision overruling the decision of that date, but, since such a change has taken place, it is possible to conceive of another change during the next fifteen years that will bring at least a majority of the Court back to the rule that prevailed before the so-called "rule of reason" took violent possession of the Court. It is possible also that Congress may see fit to express its disapproval of the construction placed upon the Anti-trust law by the Court in the Standard Oil and Tobacco cases. It may see fit to pass some of the bills already introduced by specifically declaring that the law prohibits all restraint of trade—not merely unreasonable restraint.

While I think that this ought to be done in order that the present law may not be robbed of such strength as it possesses, such legislation should be accompanied by further legislation that will fix arbitrarily the percentage of the total product which one corporation can control. The law as it formerly stood and as it was previously construed was uncertain enough—it was difficult for a corporation to know exactly what it might or might not lawfully do, but

this uncertainty is greatly increased by the insertion of the word "unreasonable." The Democratic platform of 1908 set forth a remedy which would, in the opinion of those who urge it, afford substantial relief to the public without doing injustice to any corporation. The platform plan contemplates the licensing of any corporation engaged in interstate commerce when that corporation controls as much as twenty-five per cent. of the total product; corporations controlling a less proportion would not be affected by the plan. Corporations taking out the proposed license would be subject to any restrictions that Congress thought necessary to the proper conduct of their business as well as to the laws of any State in which they did business, and no corporation would be permitted to control more than one-half of the total product. We should have this additional legislation clearly and specifically drawing the line between the corporations engaged in legitimate work and the corporations which are engaged in unlawful transactions. Such legislation is demanded in the interest of the public and in the interest of legitimate business as well. It is not right to assume that any large percentage of our business men desire to engage in transactions which are harmful to the public, and those who are engaged in intentional wrongdoing should be segregated and subjected to punishment. Legitimate business has too long had to bear the odium thrown upon it by those guilty of conduct indefensible in morals as well as repugnant to the letter and spirit of the statutes.

Before passing from this branch of the subject, it may be worth while to inquire whether the Court, in entering upon judicial legislation, does not encourage those who favor a change in the method of selecting judges. Whatever may be said in favor of the appointment for life of men engaged in *interpreting* the law, no good reason can be given for the appointment, especially for life, of a *legislative* body. Nothing is more abhorent to our institutions than an appointive legislative body. Even the United States Senate is elective, and its members hold office for a specified term, and yet the sentiment in favor of popular election is so strong that we are upon the eve of a change which will make Senators elective by direct vote of the people. If the Supreme Court is to become a legislative body, what reason can be given for not making it elective also? The people

would submit much more willingly to judicial legislation if they had a chance to elect the judges for fixed terms. Will they consent to legislation on important questions by a Court whose members are not only *appointed* by the President, but appointed *for life?* Justice Harlan thus answers the question:

"Nobody can tell what will happen. When the American people come to the conclusion that the judiciary of this land is usurping to itself the functions of the legislative department of the Government, and by judicial construction only is declaring what is the public policy of the United States, we will find trouble. Ninety millions of people—all sorts of people with all sorts of opinions—are not going to submit to the usurpation by the judiciary of the functions of other departments of the Government and the power on its part to declare what is the public policy of the United States."

Sixth: Attention has been called to a number of questions raised by the decision of the Court, but there is one point which, above all others, challenges the attention of the public at this time. What will be the effect of the Court's decision on the statute which it *construes* (to use its language) or (to use the language of the dissenting justice) *virtually repeals?* The Anti-trust law of 1890 reads: "*Every* contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce, etc." The Court declares that the statute should be constructed (or amended) to read: "Every contract, combination in the form of trust or otherwise or conspiracy, in *unreasonable* restraint of trade or commerce, etc." Of one thing there is no doubt—namely, that this construction or amendment of the law excludes from the penalties of the act *some* corporations that might, by the construction placed upon it fifteen years ago, be found guilty of a violation of the law. That is, it *lessens* the number of corporations to which it applies, and to this extent *weakens* the law as a protection to the public.

To understand this decision we must remember that after the decision of fifteen years ago the great corporations attempted to secure an amendment to the law *exactly in line with the present decision.* While this effort has been continuous, it is only necessary to refer to the attempt cited by Justice Harlan in his dissenting opinion. This instance is used not only because it is a recent attempt (made in 1909), but because the Judiciary Committee of the Senate

filed an elaborate report, setting forth the reasons why the word "unreasonable" should not be inserted in the law. No one will accuse our Senate of being *unreasonably* hostile to big business interests even to-day, and it was still less hostile two years ago. The changes that have occurred during the last two years have very considerably increased the number of Senators who are opposed to the trusts and opposed to the control of industry by them. Yet even two years ago the Judiciary Committee of that body expressed its disapproval so vehemently that the attempt to change the law was abandoned.

The report submitted by the Judiciary Committee at that time ought to be read by every one who desires to acquaint himself with the subject under discussion. It pointed out the absurdity of using as precedents cases which dealt with contracts between individuals and which affected themselves only. Even one not learned in the law can understand that a contract should be construed more strictly against those who make it than against those who are not parties to it. A contract by which one agrees not to engage in the same business under certain conditions is to some extent a transfer of the good-will of the business. An entirely different rule ought to apply where two or more parties enter into a contract to drive a third party out of business. Justice Harlan quotes as follows from the report filed by Senator Nelson, Chairman of the Judiciary Committee:

"The Anti-trust Act makes it a criminal offense to violate the law, and provides a punishment both by fine and imprisonment. To inject into the act the question of whether an agreement or combination is *reasonable* or *unreasonable* would render the act as a criminal or penal statute *indefinite and uncertain*, and hence, to that extent, *utterly nugatory and void*, and would practically amount to a *repeal of that part of the act*. And while the same technical objection does not apply to civil prosecutions, the injection of the rule of reasonableness or unreasonableness would lead to the greatest variableness and uncertainty in the enforcement of the law. The defense of reasonable restraint would be made in every case, and there would be as many different rules of reasonableness as cases, courts, and juries. What one court or jury might deem unreasonable another court or jury might deem reasonable. A court or jury in Ohio might find a given agreement or combination reasonable, while a court and jury in Wisconsin might find the same agreement and combination unreasonable. In the case of the People *vs.* Sheldon, 139 N. Y., 264, Chief-Justice Andrews remarks: 'If agreements and combinations to prevent competition in prices are or may be hurtful to trade, the only sure remedy is to prohibit all agreements of that character. If the validity of such an agree-

ment was made to depend upon actual proof of public prejudice or injury, it would be very difficult in any case to establish the invalidity, although the moral evidence might be very convincing.' To amend the Anti-trust Act, as suggested by this bill, would be to entirely *emasculate* it, and for all practical purposes render it nugatory as a remedial statute. Criminal prosecutions would not lie and civil remedies would labor under the greatest doubt and uncertainty. The act as it exists is clear, comprehensive, certain, and highly remedial. It practically covers the field of Federal jurisdiction and is in every respect a model law. *To destroy or undermine it at the present juncture, when combinations are on the increase and appear to be as oblivious as ever of the rights of the public, would be a calamity.*"

I beg to submit that there is no escape from the logic of the language used. A light that would lead one to ignore the arguments, submitted by Senator Nelson and quoted with approval by Justice Harlan, is not the light of reason. A rule that will divide crimes into reasonable crimes and unreasonable ones is not a rule of reason, no matter how many judges may concur in its enunciation. The Anti-trust law as recently construed by the Court is no longer a criminal law, and as a civil statute it is badly crippled. No wonder the corporations that are now being prosecuted under the law have immediately enlarged their defense so as to deny the unreasonableness of the restraint of trade which they are attempting. The Court has multiplied the difficulties under which the Government prosecutors will labor, even when they commence civil prosecutions, but can the Government hope to convict trust magnates of crime under the law as now constructed? In crime the intent is everything, and the accused is entitled to the benefit of every reasonable doubt. What trust magnate could be convicted of criminal intent (with every reasonable doubt resolved in his favor) to *unreasonably* restrain trade when there is no legal definition of unreasonable restraint? Justice Brewer, speaking for the Court in Tozer *vs.* the United States, 52 Fed., 917, said:

"But, in order to constitute a crime, the act must be one which the party is able to know in advance whether it is criminal or not. The criminality of an act cannot depend upon whether a jury may think it reasonable or unreasonable. There must be some definiteness and certainty. In the case of Railway Company *vs.* Dey (35 Rep., 866, 876) I had occasion to discuss this matter, and I quote therefrom as follows: 'Now, the contention of complainant is that the substance of these provisions is that if a railroad company charges an unreasonable rate it shall be deemed a criminal, and punishable by fine, and that such a statute is too indefinite

and uncertain, no man being able to tell in advance what in fact is or what any jury will find to be a reasonable rate.' If this were the construction to be placed on this act as a whole, it would certainly be obnoxious to complainant's criticism, for no penal law can be sustained unless its mandates are so clearly expressed that any ordinary person can determine in advance what he may and what he may not do under it."

In the light of this decision, who is likely to be convicted of a criminal violation of the Anti-trust law? We may as well recognize that *we now have no criminal law against the trusts.* Whatever is left of the Anti-trust law — the only protection against monopolies for twenty-one years—must be enforced as a civil statute, and of what value is that when it requires four and a half years to reach a decision which, when reached, is of but little value when applied to another case? According to the decision of the Court, each case must now be decided upon the facts which it presents, the reasonableness of the restraint being a mere matter of opinion, and, as the value of testimony depends as much upon the manner of the witness as upon what he says, the court deciding upon a printed record may reach a very different conclusion from that reached by a court or jury having living witnesses before it.

If one would understand the effect of the Court's decision on the Anti-trust law, let him apply it to other criminal statutes with which he is more familiar. What would the statute against larceny amount to if it only prohibited "unreasonable" stealing? Or the statute against burglary if it did not prohibit burglary except when carried beyond a "reasonable" extent? What protection would there be in a law against assault and battery if it prohibited only "undue" beating? The average man will regard the report of the Senate Judiciary Committee above referred to as a much more reasonable document than the decision of the Supreme Court, and the opinion of the average man as to what should constitute a crime is an opinion that must be taken into consideration even by the Supreme Court, for in the United States the opinion of the average man sooner or later becomes the law of the land and the controlling force in government.

Seventh: And what shall we say of the Court's action in allowing six months for reorganization? If the defendants have been guilty of violating the law for twenty years, why should they be allowed six months in which to continue to

violate the law while they perfect a new combination? In the Tobacco case Justice Harlan protests with feeling against the time given to the defendants, who are, by the decision, declared to be open and notorious violators of the law. He says, "I find nothing in this record from beginning to end that makes me at all anxious to perpetuate any combination among these companies."

Is it not a little strange that such consideration should be shown to men whose crimes are so enormous? If men of less wealth were involved, would the Court hesitate to enforce the law immediately? If the defendants have violated the law—and they could only be convicted upon the theory that they had violated the law—can the Court suspend the law as to them or grant them immunity in advance for future violation during a given period? Nothing can do more to encourage anarchy — no better material for anarchistic speeches can be furnished—than judicial decisions that deal leniently with great offenders. Equality before the law is not the doctrine of the demagogue. Those who believe in it are not disturbers of the peace, nor are they attempting to array class against class. Equality before the law is a fundamental doctrine of free government, and it cannot be disregarded with impunity by any court, however high. It is of the utmost importance that our courts shall deal with the great criminals as they deal with small ones; a man who steals a pocketbook is a violator of the law and deserves punishment, but he is no more a violator of the law than one who conspires against ninety millions of people. To visit swift condemnation upon the poor and friendless and to grant indulgence to the rich and powerful shocks the sense of justice which God has planted in every heart—that sense of justice which is the only foundation of free institutions.

Eighth: The last question to be considered is, what is to be the result of this decision? We have seen one result—namely, rejoicing on the part of every man pecuniarily interested in the corporations which are exploiting the public. But what will be the effect upon the public? This question cannot be answered without entering the realm of prophecy, and prophecy is uncertain. We have seen one decision of the Supreme Court—the decision in the Dred Scott case—hasten a civil war, and we have seen another decision—the decision in the Income Tax case—compel the submission of an amendment to the Constitution. We shall see, as times goes on,

whether the people will acquiesce in this decision or be aroused by it to more energetic action against combinations in restraint of trade, and the result will have its effect upon the reputations of the members of the Court. If the revolution which Chief-Justice White has led marks the beginning of a permanent policy he will be accorded a high place among our jurists. If, on the other hand, public sentiment develops along the line of the dissenting opinion we may expect to see Justice Harlan increasingly honored. If his warning is heeded and the people assert their right to protect themselves against trusts and monopolies he will become the forerunner of a great reform, while the flame which the Court mistook for "the light of reason" will be discarded as an illusion. WILLIAM J. BRYAN.

THE EFFECT

BY JOHN LARKIN

WHEN the people of the country returned to peaceful pursuits after the Civil War competition was unrestrained, unreckoning, and lawless. To secure increased trade or following from the wreck of a business rival was the object of corporation and individual. Victory by such method was always at great loss and frequently barren and destructive to the victor. If unrestrained and unlimited competition be the panacea for economic ills, that medicine was tried and found ineffective.

Such victory was hardly worth while, and the orgy of reckless competition was followed by the broader view that limits should be set to acts of competition, that reasonable fairness should exist even in the warfare of business, that territories might be allotted for development, that working agreements might be made in the nature of a truce from time to time, and that co-operation might even take the place of competition. Combination of former rivals and competitors followed, by which available capital was increased, waste reduced, and alert minds were permitted to concentrate upon developing new channels for business enterprise rather than upon new methods to destroy their competitors. Success followed these methods; stockholders received fair returns upon their investments; further capital was easily found to develop the untouched resources and territory of the country; great railroad systems were built

up from insignificant units with beneficial results to the public in the way of better service and greater convenience. The idea of combination and co-operation of business was seized upon by great minds and applied in a large way. The combinations thus developed became giants in power.

The immediate result of these great organizations was beneficial to the public. Freight and transportation rates became lower and industries products as a whole cheaper. Nevertheless, many thoughtful citizens viewed these great aggregations of capital and energy with misgiving: they were becoming too powerful; they were in business, in politics; they were in the Legislatures; they were here, there, and everywhere, and they never slept. They were to be feared; they were secretive; they moved in strange ways; they could not be seen nor talked to and they never talked back. The idea spread with amazing rapidity and virulence. All such combinations were declared bad. Congressional and legislative investigations followed of the methods used by some, and all were found guilty of high-handed and lawless acts in the development of their enterprises. Something should be done to shear them of their too great and threatening power.

So in July, 1890, the Sherman Anti-trust Act became a law of the United States. Congress enacted in the first clause of that act that " every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce amongst the several States or with foreign nations is hereby declared to be illegal." Sweeping words, but what did they mean? What was meant by " restraint of trade "? The statute did not define the words and their meaning had to be sought in decisions by the courts. In those decisions the words " restraint of trade " had a well-understood and definite sense.

Economic conditions repeat themselves, and the efforts to correct economic troubles are numerous and of record. As trade and commerce are the life-blood of a peaceful people, anything which interferes with its proper circulation must result disastrously; the energy of a people must have proper channels for expression, otherwise less innocent ways will be found for its outlet; anything which restrains trade and commerce should be rebuked and made void for the public good. This is the argument against restraint of trade. What does restraint of trade mean as defined by the courts

almost from time immemorial? The typical case was where one was engaged in a trade or calling and made a contract no longer to do so; such contract was declared to be contrary to public policy and void; he was guilty of restraining trade. If several joined in the same agreement it was a conspiracy affecting the public good and could be dealt with criminally; it was considered the duty of a citizen to work at his trade or calling and not to become a public charge; he owed this duty to himself and his family and in a larger sense to his country. Now the trusts had not been restraining trade in that sense; possibly they had made contracts here and there which were, or could be construed as, in such restraint; but such contracts were incidental, unimportant relatively, and the misgiving about the corporations were not due to them. Far from restraining trade in any such sense, the corporations were, on the contrary, diligently, if sometimes ruthlessly, *extending* their trade far and wide at home and abroad, in season and out of season, with tireless industry; they were adding to the wealth of the country by the creation of products purchased by consumers throughout the world; their competition was felt by those engaged in the same field of work, and their energy affected adversely the trade of their competitors. But otherwise they neither actually nor technically restrained trade. Moreover, the first clause of the act assumes the legality of trusts and combinations; they were not declared to be unlawful, nor were they prohibited from engaging in interstate commerce. Nor does this clause of the act say anything about competition or directly or indirectly forbid contracts in restraint of competition; the words used are "contracts in restraint of trade." There is nothing in the act to prevent contracts not to compete nor to enter into competition for trade and commerce. So the first clause of the statute forbids something that the corporations had not been doing and does not forbid what they had been doing in competing.

The second section provides that every person "who shall monopolize or attempt to monopolize," or "combine or conspire with any other person or persons to monopolize, *any part* of the trade or commerce among the several States or with foreign nations, shall be deemed guilty of a misdemeanor." Thus we are confronted by the first section, which declares any contract limiting trade is illegal, and by the second, which makes an undue increase of trade a misdemeanor.

This juxtaposition of the sections does not make the meaning of the act any clearer.

The statute does not define monopoly, and reference must be made to history for the meaning of this word. Examination shows that a monopoly could only arise from a grant by a sovereign power to a person or special group of persons to do something which before had been enjoyed in common. There is nothing of that character here. The combinations, trusts, corporations, or whatever they may be called had no grant of a monopoly or exclusive right to do anything. The monopoly charged against them is that they did more business in their special line than any other of their competitors. This privilege was inherent in every individual and in every corporation. The words of the statute cannot, therefore, be read literally. No condition existed to which the statute could refer if the words were taken literally and in their accepted meaning, for what had been done by these combinations or trusts any citizen or group of citizens could have done. There was no grant or special privilege conferred by the sovereign power upon any particular man or group of men of greater rights than were already inherent in any and every citizen of a State.

Whatever else these combinations did as a matter of everyday knowledge, they did not restrain from trading, nor did they refuse to engage in trade or commerce; nor did they conspire with any one not to develop their trade or commerce. If there was any conspiracy it was to advance their trade and business by every possible method.

The statute, in brief, says that no person shall attempt to restrain interstate trade nor shall he attempt to monopolize any part of it, under penalty of fine and imprisonment. By necessity any railroad becomes a partial monopolizer of commerce when it lays its tracks in a certain territory. An industrial enterprise becomes a partial monopolizer when it establishes its factory to supply a given territory.

To give effect to this statute so that the public will might be enforced and yet without violating fixed principles of construction and the plain meaning of words was the problem which confronted the Supreme Court.

If it was a difficult problem for those interested in the business in this country to decide what could and what could not be done, the problem the legislative branch of the Gov-

ernment presented to the Supreme Court of the United States was much greater.

As a literal and technical reading of the statute made its application anything but clear, the Court was compelled, in order to ascertain the intent and object of the act, to go out of the act to learn what the economic conditions were at the time of its passage. The conditions which Congress had in mind were disclosed by the debates which were had while the act was in passage. From these debates it appears that the indignation of the public had been aroused by the treacherous, underhanded, and vicious acts which some of the combinations had resorted to for the purpose of absorbing the business or territory of a rival for the purpose of extending its own. The evil which the act sought to remedy was lawless competition, unfair, and unjust. Whatever the intention of the Legislature may have been, that intention, either by accident or design, was not expressed. Although the evils sought to be corrected were those arising from lawless competition, yet that word, the word competition, does not appear in any part of the act. Yet judgment was rendered against the defendants in the earliest of the trust cases and by the Supreme Court upon the very ground that competition was restrained by the agreement made; and competition being restrained, it followed as a consequence that business or trade was restrained and therefore there was a violation of the law.

There are no qualifying words such as "contrary to public policy," "against the public good," or "unreasonable," or "unlawful" in the Anti-trust Act. The words of the act were unqualified. Every contract in restraint of interstate trade was illegal. Every person attempting to monopolize any part of interstate trade was guilty of a misdemeanor. Pushed to the extreme, this meant that every corporation or individual which should acquire another business of an interstate character would to that extent be attempting to monopolize that part of interstate trade which would make the contract of purchase illegal and those interested, criminals. The relation of the business so acquired, as compared with the whole business of that character, had nothing to do with the question. It tended to create a monopoly when one corporation or individual decided to extend or enlarge his or its scope of its business.

If the corporation acquired the assets of the other, or its stock, it restrained trade to the extent that it rendered that particular corporation unable to continue in business, although the effect on the public was obviously the same if the two methods of transportation remained as formerly and at no greater expense. The Court thereupon, in the Trans-Missouri Freight case, decided in March, 1897, said in its opinion that literal interpretation would have to be given the act regardless of consequence; whether the public were benefited by the merger or contract or agreement was not the test because the power existed in the combination to affect the public injuriously, and that was sufficient whether the injury was actually worked or not. That the combination might be distinctly to the public good was immaterial if the allied companies had the power later to impose their policies upon the public to its disadvantage. And as the railroads agreed among themselves upon the rates to be charged they restrained competition, and restraining competition they restrained trade as a sequence.

The result, therefore, seemed to be a paradox, for Congress intended (as appears from the debates, although it did not by the act say so) to restrict competition within lawful bounds, while the Supreme Court said that any acts, whether beneficial or otherwise, which restricted competition were, under the act, illegal. The claim that the statute should be reasonably construed was repeated in many subsequent cases, but the Court steadfastly refused to read into the act any qualifying words whatever and adhered to its first interpretation. Then the business men of the country found that the decision might apply to them as well as to the giant combinations and commenced to interpret the Anti-trust Act for themselves. They say by the act that trusts, combinations, corporations, and mergers were not prohibited. They had learned that their success in business depended upon progressive activity, rather than by maintaining an impossible stationary condition compelled by the act as interpreted, the only way a corporation could keep itself immune from the penalties of the act. They also persuaded themselves that as their business was comparatively small as compared with the whole business of that character engaged in interstate commerce, they would not be affected, and that the law was not meant for them, but for others higher up in the business world.

The result of all of which was that the law, general in its terms and applying to all within the literal meaning of its terms, was construed by those engaged in interstate business (practically every business of any consequence) in a very practical manner as differentiating between good and bad corporate activity; between enterprises and plans which were generally good or generally bad, and between great combinations as against those of moderate size. As these points were settled in the minds of the business men of the country they continued to engage in business, satisfied that the construction then made by them was correct and that it was a good working business law. Meanwhile other cases proceeded to the Supreme Court, where were repeated the arguments that the question of public interest should be the fundamental point upon which each case should be decided; that the act should be held to be a declaration of the existing common law; whether the restraint of trade complained of was reasonable and necessary or whether it was unreasonable and vicious should be the real test.

In the cases lately decided many facts were shown which warranted the finding that unfair competition had been resorted to; that outrageous, illegal, and high-handed methods had been used to crush out competitors and absorb their former fields of endeavor. Assuming all of this to be so, the business of the country generally should not be made to suffer because some merchants have succumbed to a more intelligent business campaign or to an unlawful demolition of their trade. The remedy for the first does not exist in law, and in the second case an award for damages sustained may be had for the asking.

Again, the people of the country appreciated that unless their construction was given to the statute it would be left for the United States District Attorney to decide which business should be shut down and which should be permitted to proceed. This would depend on the character of the prosecuting attorney, his likes and dislikes. The country had never granted any such power to any prosecuting officer. In former days a judge or jury or both decided whether an illegal or criminal act had been committed, and this depended upon the acts done in pursuance of the agreement and not upon the agreement unsupplemented by overt acts.

It would be as easy to ask the sea to be still as to ask the energy and property behind the business of the country to accept in peace a reiteration of the doctrine enunciated in the Trans-Missouri case.

The inexorable logic of the decision in the Trans-Missouri Freight case was recognized by the business interests of the country and appreciated until they believed it might also apply to them. They knew so far as they were concerned that they were not injuring the public, although they believed that some other but greater combination might.

This same common-sense conclusion had also been reached by a former Chief Executive of the country who differentiated trusts or combinations as being good or bad, as beneficial or baleful, and selected for attack such as he believed to be in the latter class.

Constrained by public opinion and by the ultimate destruction of business generally if the doctrine in the freight cases were adhered to, the Supreme Court modified the construction formerly placed upon the act and declared that the " rule of reason " should be applied to it, which is the same as saying that the rule of common sense should apply. As a result the law becomes general in its application and applies to every business enterprise engaged in interstate commerce the test whether such enterprise is good or bad from the standpoint of the public good.

This construction, appealing to every one as just and fair and far-reaching, should satisfy all.

It should satisfy the great corporation or trust because it should be prepared at all times to stand or fall upon the question whether or not its activities are beneficial or hostile to the public welfare.

It should satisfy the smaller combination because its business, comparatively negligible, may not be the subject of attack by an overzealous public prosecutor.

It should satisfy every citizen because the object of the act has been attained. Danger to the country comes only with corporations of giant size whose power and wealth when combined with others make them no mean rival to the power of the country. To restrain such power and keep it within bounds was the real purpose of the Anti-trust Act.

The phraseology of the act was but a means to this end and this end has now been brought to pass.

JOHN LARKIN.

THE RECORD

BY FREDERIC R. COUDERT

"The resolutions of the books upon these contracts seeming to disagree, I will endeavor to state the law upon this head, and reconcile the jarring opinions."

THESE are not the words of the Chief Justice of the United States in the Standard Oil case, however appropriately they might have been there used, but are taken from the opinion of Chief Judge Parker (later Lord Macclesfield) delivering the opinion of the Court of Kings Bench in a case involving a contract alleged to be "in restraint of trade" in the year 1711 (Mitchel *v.* Reynolds, 1, P. Williams). It thus would appear that for some two centuries the subject has not been free from difficulties and that jarring notes at Bench and Bar are merely healthy exuberances of free institutions in a progressive civilization.

Perhaps since Chief-Justice Taney announced the decision in the case of Dred Scott, no judgment of the Supreme Court has evoked wider interest, suscitated more controversy, and elicited greater divergence of views than that in the case of the United States *v.* the Standard Oil Company. Yet this case differs from the great epoch-making decisions of the Supreme Court of the United States, such as Marbury *v.* Madison, McCullough *v.* Maryland, the Dred Scott case itself, the Income Tax case, and the recent Insular cases, in that here no question of our Organic Law is involved. The Supreme Court was not required to pass upon any great question of constitutional or public law in pursuance of that peculiar power conferred upon it by the Constitution and which is exercised by no other supreme tribunal of any of the great nations.

The decision of the Court in the present case was in the exercise of one of the most elemental, indispensable functions of the judiciary—viz., the interpretation of statutes. In the terse and elegant English of Mr. Justice Holmes in the Northern Securities case:

"Furthermore, while at times judges need for their work the training of economists or statesmen, and must act in view of their foresight of consequences, yet when their task is to interpret and apply the words of a statute their function is merely academic to begin with—to read English intelligently—and a consideration of consequences comes into play, if at all, only when the meaning of the words used is open to reasonable doubt." (193 U. S., p. 401.)

Human ingenuity has as yet failed to draught a law of such precision and clarity that no man can be found who is not willing to draw its interpretation into question. This calls to mind the classic illustration of the leech who was prosecuted for having bled a patient in the town of Bologna, the law decreeing that " whoever drew blood in the streets should be punished with the utmost severity." The prosecution in that case evidently believed in the strict construction of the law, but even at that ancient date the more liberal view prevailed and the case was held not to be within the intention of the lawmaker. It has been well said that the pole star of judicial construction must be the intention of the Legislature, however difficult this may be to ascertain. It is well put by Mr. Justice Swayne (23 Wall, 374-380):

> " A thing may be within the letter of a statute and not within its meaning, and within its meaning though not within its letter. The intention of the lawmaker is the law."

That quaint old law-writer, Plowden, cites a case holding that a statute of Edward II enacting that a prisoner " who breaks jail shall be guilty of felony " does not extend to a prisoner who breaks out when the prison is on fire, " for he is not to be hanged because he would not stay to be burned."

But in ascertaining the intent of the lawmaker and the object or purpose of a statute not only the contemporaneous situation, but the historic past, will be examined to shed light upon that intention, where ambiguity or obscurity exists. A government in which there is no organ having power to determine questions arising under those general rules of human conduct which we call laws would be necessarily anarchic. This is so generally recognized that the great French Civil Code (Code Napoléon) prescribes that no judge shall refuse to interpret a statute because of its obscurity or ambiguity.

The wide-spread interest in this case is due to the fact that the question with which the statute deals — " monopoly "—has become the main political and economic problem of the day. The development of business in the United States necessarily requires that there shall be some legal rule by which the validity and legality of the large aggregations of capital shall be determined.

" Monopoly " is no new thing, nor is the dread which it at present seems to inspire peculiar to our people, for we find

that in A.D. 483 Emperor Zeno issued an edict as follows:

"We command that no one may presume to exercise a 'monopoly' of any kind of clothing, or of fish, or of any other thing serving for food, or for any other use, whatever its nature may be, and if any one shall presume to practise a 'monopoly,' let his property be forfeited and himself condemned to perpetual exile. And in regard to the principals of other professions, if they shall venture in the future to fix a price upon their merchandise, and to bind themselves by agreements not to sell at a lower price, let them be condemned to pay fifty pounds of gold."

And to come down to more recent times we find that the Court of King's Bench in 1711 declared that:

"Another reason is the great abuses these voluntary restraints are liable to; as, for instance, from corporations who are perpetually laboring for exclusive advantages in trade and to reduce it into as few hands as possible."

The English and American law reports contain many cases on *combinations* and *monopolies* at the common law and all of our States have some statutory enactments on the subject, many of them of very recent date and of drastic tenor.

In 1889 the attention of Congress was called to the need for a Federal law prohibiting monopolies, and the evils of the so-called trusts were debated and denounced in considering the bill introduced by Senator Sherman, which in somewhat amended form became the famous Sherman Anti-trust Law.

The necessity for such a law, if the Federal Government intended to take any part in prohibiting monopolies, was manifest, since the Federal Courts have no common-law jurisdiction, but derive their powers from the Constitution and Congressional statutes. This must be remembered when the question arises as to whether this act was merely declaratory of the general common-law rule as laid down by the courts of England and America or furnished another and broader one.

The sections of the act setting forth the offenses aimed at are as follows:

"Section 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce, among the several States or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract, or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the Court.

"Section 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court."

The statute further provides for the use of the equitable remedy of injunction. While a Court of Equity has no inherent power to enjoin the commission of a criminal act, such powers may be and sometimes are conferred by statute. This act is thus endowed with a double aspect, civil and criminal. The more important cases in which the Supreme Court has passed upon it have come up by way of suit for injunctive relief against the alleged monopoly or combination, and the criminal features have been only incidentally considered.

While, technically speaking, debates may not be used as a means for interpreting a statute, yet, as the Chief Justice remarks in the present case:

"That rule in the nature of things is not violated by resorting to debates as a means of ascertaining the environment at the time of the enactment of a particular law, that is, the history of a period when it was adopted." (Op. p. 15.)

An examination of the debates makes it perfectly clear that Congress had in mind the great combinations in the necessaries of life which at that time were already exciting serious attention throughout the country. Senator Sherman evidently thought that his bill did nothing more than enact the common law which he believed amply sufficient to carry out the intention of Congress as to the restricting of monopolies. Speaking of his first draught of the bill, he says:

"It sets out in most specific language the rule of the common law which prevails in England and this country, especially declared by the Supreme Court of the State of New York in a very clear and able opinion, which I have here on my desk." (Bills and Debates in Congress relating to Trusts; Government Printing House, p. 15.)

It will be necessary to discuss further on the much-mooted point as to whether the Sherman law was declaratory, as this has been the question about which continuous controversy has raged since the passage of the act down to the time of the Standard Oil decision, which seems to have finally resolved that problem. At present it is sufficient to say that the combinations and monopolies which Congress

had in mind were, generally speaking, not difficult of ascertainment; they evidently were the great companies which had been denounced by political orators and political platforms for some time past, and it was so stated time after time in the debates.

Before discussing the merits of the Standard Oil decision I will set forth briefly what the case decided and analyze the decision, which shows that:

(1) The interpretation of the Court gives full effect to the intent of Congress, which intent must be read (a) in the light of the common law and (b) in that of contemporary history, and

(2) The controversy regarding the question as to whether or not the Court has injected the word "reasonableness" into the statute is a mere word battle or logomachy due to a misconception of the decisions that have gone before and the true meaning of the utterances of the Chief Justice, in the Standard Oil and Tobacco cases.

The bill of the United States against the Standard Oil Company, covering some hundred and seventy pages, sets forth the history of that organization and emphasizes the three phases through which it had passed. These phases were (1) the combination between individual firms prior to 1870 into a corporation known as the Standard Company of Ohio. This combination existed from 1872 or thereabouts to 1882, at which time, as the Court found, the defendants then (2) entered into one of those agreements which had come to be known technically as a "trust," by which the stock or interests in various concerns were transferred in trust to one company which acted for all. This arrangement was condemned by the Supreme Court of Ohio in a suit to dissolve the trust and thereafter (1889), (3), the company entered into its present status—viz., the operation of many subsidiary companies through the Standard Oil Company of New Jersey, a holding corporation, which had obtained and acquired a majority of the stocks of the various corporations engaged in purchasing, transporting, refining, shipping, and selling oil into and among the various States and Territories of the United States and thereby managed and controlled the same. It was this last phase which was charged as being peculiarly within the act, the earlier history of the company, especially that prior to the passage of the Sherman Law being adduced simply as evidence of a continued and definite purpose, extending over some forty years, to drive out competitors and to monopolize

the oil industry for the benefit of the small group of magnates who dominated it.

The Court holds that the two sections of the statute, that relating to "restraint of trade" and that relating to "an attempt at monopolization," must be read together and that both had been violated by the acts of the defendants. The decision of the Circuit Court, holding as an illegal restraint of trade and monopoly the combination formed by these numerous defendants and operating through the Standard Oil Company of New Jersey, was affirmed by the Supreme Court upon the following grounds, which the Chief Justice tersely sums up as follows:

"(a) Because the unification of power and control over petroleum and its products which was the inevitable result of the combining in the New Jersey corporation by the increase of its stock and the transfer to it of the stocks of so many other corporations, aggregating so vast a capital, gives rise, in and of itself, in the absence of countervailing circumstances, to say the least, to the *prima facie* presumption of intent and purpose to maintain the dominancy over the oil industry, not as a result of normal methods of industrial development, but by means of combination which were resorted to in order that greater power might be added than would otherwise have arisen had normal methods been followed, the whole with the purpose of excluding others from the trade and thus centralizing in the combination a perpetual control of the movements of petroleum and its products in the channels of interstate commerce.

"(b) Because the *prima facie* presumption of intent to restrain trade, to monopolize and to bring about monopolization resulting from the act of expanding the stock of the New Jersey corporation and vesting it with such vast control of the oil industry, is made conclusive by considering (1) the conduct of the persons or corporations who were mainly instrumental in bringing about the extension of power in the New Jersey corporation before the consummation of that result and prior to the formation of the trust agreements of 1879 and 1882; (2) by considering the proof as to what was done under those agreements and the acts which immediately preceded the vesting of power in the New Jersey corporation, as well as by weighing the modes in which the power vested in that corporation has been exerted and the results which have arisen from it" (pp. 31, 32 Op.).

This result is concurred in by all the members of the Court, and if the decision had been placed shortly upon the ground that the monopoly created by the acts so adverted to were within the statute the case would have evidently caused comparatively little discussion.

The decision is, however, of a more broad and general importance, because:

(1) It explains, and it is claimed limits, the general language of the statute so as to remove from its operation

many cases which the literal terms of the law would indicate as falling within it;

(2) It is claimed to be in contradiction with rules heretofore laid down and fully established in prior decisions during the past fifteen years.

This view is emphasized and dignified by its statement with great earnestness in the opinion of the Senior Justice of the Court, Mr. Justice Harlan, who, while concurring in the conclusion reached, dissents from the reasoning of the Court. So impressed is this venerable and universally honored jurist with the reasoning of his brethren of the Court that he feels himself bound "to say that what the Court has said may well cause some alarm for the integrity of our institutions" and continues:

"I said at the outset that the action of the Court in this case might well alarm thoughtful men who revered the Constitution. I meant by this that many things are intimated and said in the Court's opinion which will not be regarded otherwise than as sanctioning an invasion by the judiciary of the constitutional domain of Congress—an attempt by interpretation to soften or modify what some regard as a harsh public policy. This Court, let me repeat, solemnly adjudged many years ago that it could not, except by 'judicial legislation,' read words into the Anti-trust Act not put there by Congress, and which, being inserted, give it a meaning which the words of the Act as passed, if properly interpreted, would not justify. The Court has decided that it could not thus change a public policy formulated and declared by Congress, that Congress has paramount authority to regulate interstate commerce, and that it alone can change a policy once inaugurated by legislation. . . .

"Nevertheless, if I do not misapprehend its opinion, the Court has now read into the act of Congress, words which are not to be found there, and has thereby done that which it adjudged in 1896 and 1898 could not be done without violating the Constitution—namely, by interpretation of a statute changed a public policy declared by the legislative department. . . .

"To overreach the action of Congress merely by judicial construction, that is, by indirection, is a blow at the integrity of our governmental system, and in the end will prove most dangerous to all." (Op. Justice Harlan, as printed in New York *Times* of May 26th, 1911.)

The elaborate opinion of Chief-Justice White is evidently designed to show that the course of decisions heretofore has been uniform and that whatever isolated expressions may be found as to the interpretation to be put upon the statutes the results reached in each case have adequately effected the intent of Congress.

The difficulty confronting the Chief Justice arose from the interpretation to be given the words "in restraint of trade." This language of the statute came before the Su-

preme Court for the first time in the now famous case of the United States *v.* the Freight Association, 166 U. S., 290. That case involved a combination of railroad companies which had entered into an agreement fixing freight rates. The Government attacked this combination on the ground that it was in restraint of trade. Mr. James C. Carter, with his extraordinary erudition and ingenuity, defended the combination on two grounds: first, that the Sherman Act did not apply to railroad companies, as these companies were subject to regulation by act of Congress in a manner that did not apply to ordinary private companies and that as public utilities they were not within the fair intendment of the act, since the right which the State had to fix rates was inconsistent with the idea of a monopoly menacing to the public weal; and, second, that the record showed the rates to have been reasonable and proper and that, under the doctrine of the common law, of which the Sherman Act was merely declaratory, a contract which reasonably restrained trade was not involved. The first question was the one mainly discussed and the Court found that the act was applicable to railroads. Incidentally I may say that our courts take what certainly seems, at least from an economic standpoint, the sounder view and exclude public utilities from the general category of monopolies and restraints on trade. (Matter of Attorney-General *v.* Consolidated Gas Company, 124 App. Div., 401.)

The Court further held that they were unwilling to consider whether the rates in question were in themselves reasonable, since the terms of the statute were absolute and categoric and forbade all restraints of trade, whether reasonable or not.

"By the simple use of the term 'contract in restraint of trade,' all contracts of that nature, whether valid or otherwise, would be included, and not alone that kind of contract which was invalid and unenforceable as being in unreasonable restraint of trade. When, therefore, the body of an act pronounces as illegal every contract or combination in restraint of trade or commerce among the several States, etc., the plain and ordinary meaning of such language is not limited to that kind of contract alone which is in unreasonable restraint of trade, but all contracts are included in such language, and no exception or limitation can be added without placing in the act that which has been omitted by Congress." (United States *v.* Freight Association, 166 U. S., p. 328.)

This utterance of the Court was unnecessary to the de-

cision of the case and was what is termed by lawyers an *obiter dictum* or remark or argument not logically necessary for sustaining the conclusion or judgment reached, since the agreement would certainly have been invalid under the common-law rule. I am convinced that it is this dictum in the opinion of Mr. Justice Peckham, writing for the majority of the Court, which has led to the futile and academic discussion as to the rule of "reasonableness." The opinion in the Freight Association case in my view misapprehends the real scope of the common law. The common law, about which so much has been said, is not really difficult of ascertainment; its general propositions regarding this class of cases are clear enough, however difficult of concrete application.

There were three categories of illegal agreements restraining trade known to the common law:

(1) Contracts in restraint of trade;

(2) Combinations or conspiracies in restraint of trade; and

(3) Monopolies.

1. Contracts in restraint of trade had a fixed and definite meaning and go back to the time of the Year Books of the fourteenth century. Such a contract was one by which a person selling his business or trade contracted that he would not further carry on such business. The object of the contract was to protect the vendee against the competition of his vendor, which might easily have made his purchase valueless. In the earliest times any such contract was held invalid, because the man who contracted not to carry on his trade was abridging his freedom and was liable to become a public charge. Gradually, however, these agreements came to be recognized as valid within certain limitations. Where it was evident that the object of the agreement was merely to assure the vendee the possession of the good-will of his business and where the limitation was not such as to indicate that the primary object of the agreement was to monopolize the trade, but was merely a reasonable accompaniment of a contract of sale, it was held valid. The general rule consequently came to be that a partial restraint of trade would be valid while a general restraint was not. For instance, a baker selling his shop might validly contract that he would not carry on his trade in London, but he could not agree that he would not carry it on in England, as this would have been

unnecessary to the protection of the vendee and hence unreasonable and oppressive, indicating the primary purpose of the agreement to be the creation of a monopoly rather than the protection of a business good-will.

With the changes in transportation and industry the question of partial or general restraint of trade lost much of its significance, and the query was whether the contract of restraint was "reasonable" or "unreasonable." This category of reasonableness at the common law is not vague and subjective, but is extremely concrete and clear. It was a question for the court and jury in each case to decide upon the facts as to whether the contract in restraint of trade was merely collateral or ancillary to the contract of sale. If so, such indirect or partial restraint of trade was considered as a reasonable exercise of the right of free contract. When, on the other hand, it appeared that such a contract had for its main object restraint of trade or practical monopoly, then, however the agreement might be phrased, the Court would hold it an unreasonable exercise of the liberty of contract and void as directly restraining trade.

2. I am convinced that the Court in the Freight Association case confused this very distinct class of contracts in restraint of trade with a very different legal category—namely, *combinations in restraint of trade.* By this term the common law indicated an agreement among various persons maintaining separate business establishments to fix or in some way regulate the prices or the output of the various establishments. Such contracts have been always and at all times contrary to the policy of the common law and to them no criterion of reasonableness was applicable. (See Justice Holmes's dissent, 193 U. S., 400.)

Agreements having for their object a direct restraint of trade, by interfering with the rights of each of the parties thereto to sell at what price he pleased or restricting the output, necessarily fell within the inhibition of the law and were invalid. The rule is very clearly stated in an opinion of the Court of Appeals of New York (People *v.* Sheldon, 139 N. Y., 251). This case dealt with a combination between dealers of coal in the city of Lockport to fix the rate at which coal should be sold. The members of the agreement were indicted under the section of the Penal Code making it a misdemeanor to commit "any act injurious to trade or commerce." The same argument was used in defense of the

combination as in the Trans-Missouri case, that the rates were *fair and reasonable.* The Court evidently did not consider that there was any difference between the meaning of the statute and the general rule of common law, and dismissed the argument as to the reasonableness of rates by saying:

"But the question here does not, we think, turn on the point whether the agreement between the retail dealers in coal did, as matter of fact, result in injury to the public or to the community in Lockport. The question is, was the agreement, in view of what might have been done under it and the fact that it was an agreement the effect of which was to prevent competition among the coal dealers, one upon which the law affixes the brand of condemnation. . . .

"The gravamen of the offense of conspiracy is the combination. Agreements to prevent competition in trade are in contemplation of law injurious to trade, because they are liable to be injuriously used. . . .

"The price of coal now fixed by the exchange may be reasonable in view of the interests both of dealers and consumers, but the organization may not always be guided by the principle of absolute justice. . . .

"If agreements and combinations to prevent competition in prices are or may be hurtful to trade, the only sure remedy is to prohibit all agreements of that character" (pp. 263-265).

Still more recently the common-law doctrine has been lucidly expounded by the New York Court of Appeals in a suit brought on an agreement between producers of Hudson River blue stone, who controlled nearly ninety per cent. of the amount sold in New York. It was urged that the jury should be allowed to pass upon the reasonableness of the prices, but the Court held the question immaterial in this class of cases and differentiated them from those contracts which involved the withdrawal of a vendor from business and in which the restraint was incidental to a sale rather than constituting the primary purpose of the agreement.

The Court said:

"It may be conceded that one of its purposes was to enable the parties to obtain reasonable prices, but it gave them the power to fix arbitrary and unreasonable prices. *The scope of the contract, and not the possible self-restraint of the parties to it, is the test of its validity.* They could raise prices to what they supposed the market would bear, and as they expected to supply nearly the entire demand of the market, the temptation to extortion was unusually great.

"The plaintiff cites the cases which permit the vendor to sell his business with or without his plant, and to agree with his vendee that he will not by competition or other acts do anything to injure what he sells. . . . It may be conceded that the law, as now understood, restrains no one from selling his property, nor does it compel any one to continue a business which he

can sell, or finds it to his interest to abandon, much less to continue it for any time or in any particular manner or place. However it may have been when trade was small, money scarce, opportunities and markets few, at present the public has little to fear from any individual renouncing his calling and business in favor of another, and seeking a new field of activity. Contracts between individuals to that effect are not in general restraint of trade. But the case before us is of a different kind. It is one of such a combination among many dealers as threatened a monopoly, with which the individual would be practically powerless to compete, and the many consumers who would be severally exposed and coerced would be either compelled to submit to its exactions, or to forego the purchase of the commodity of customary use needful to them, and but for this monopoly obtainable in the market at a reasonable price. The same evil principle pervades both large and small combinations; all are alike offenders, differing in degree, but not in kind. And hence it is that contracts by which the parties to them combine for the purpose of creating a monopoly in restraint of trade, to prevent competition, to control and thus to limit production, to increase prices and maintain them, are contrary to sound public policy and are void." (Cummings *v.* Union Blue Stone Co., 164 N. Y., pp. 404, 405.)

The emphasis placed upon the words " reasonable " and " the light of reason " by the Court in the Standard Oil case was perhaps unfortunate. It is quite probable that for the words " reasonable " and " unreasonable " with regard to restraints of trade the words " direct " and " indirect " restraints could be advantageously substituted. This would put the test of validity in a clearer, less subjective and metaphysical light and distinguish between combinations which have for their primary purpose restraint of trade and those contracts which may incidentally restrain trade, but whose main object is the sale of a business.

The identity between the test of *reason* and that of *directness* is recognized by the Chief Justice in the Standard Oil case, for he says, referring to the rule of reason:

"From this it follows, *since that rule and the result of the test as to direct or indirect, in their ultimate aspect, come to one and the same thing,* that the difference between the two is therefore only that which obtains between things which do not differ at all" (Op., pp. 25, 26).

3. The third common-law concept comprised in the statute is that of " monopoly." " Monopoly," strictly speaking, at common law could only arise from a Crown grant and is defined by Lord Coke as follows:

"'A monopoly is an institution, or allowance by the king by his grant, commission, or otherwise to any person or persons, bodies politic or corporate, of or for the sole buying, selling, making, working, or using of anything, whereby any person or persons, bodies politic or corporate, are

sought to be restrained of any freedom or liberty that they had before, or hindered in their lawful trade'" (Op., p. 15).

It is quite evident that no such conception of *monopoly* is here involved and that the great combinations of to-day are not "monopolies" in this narrow sense, but are rather capitalistic aggregates whose size and consequent power permit them to effectually prevent any real competition and thus effect those evils which the common law attributes to monopoly.

The purpose, however, of the common law was to preserve, as far as possible, freedom of contract, and it was felt that this was menaced either by a Crown monopoly, combinations in restraint of trade, or unreasonable contracts in restraint of trade. In addition to all these, there were at common law certain peculiar contracts called "engrossing" or "forestalling" which had for their object the obtaining of supplies of the necessaries of life with a view to completely controlling the market. These laws were repealed in the early part of the century, but have an analogy in the anti-option laws found in some of our States.

Had the Supreme Court, therefore, in the Freight case and the Traffic case considered the language of the act in the light of the common-law meaning of the terms there used, they would have had no difficulty in coming to the conclusion that a combination of a number of persons or corporations for the purpose of fixing prices was contrary to the common law as known in England and America. The statement of the Court in those cases that they were bound to take the language of the law literally and condemn all contracts in restraint of trade, whether reasonable or unreasonable, was founded upon an apparent misconception of the common law and a failure to distinguish between "contracts" and "combinations." It is perfectly evident that the Court was right in holding that, however reasonable the rates fixed by the Freight Association may have been, the very fact that the objective of the agreement was the fixing of rates made it illegal *per se*. So broad was the dictum of the Court that:

"By the simple use of the term 'contract in restraint of trade,' all contracts of that nature, whether valid or otherwise, would be included, and not alone that kind of contract which was invalid and unenforceable as being in unreasonable restraint of trade" (p. 328).

it became necessary seriously to qualify it in the next case. In fact, Mr. Justice Peckham's opinion in the Freight case

itself recognizes the distinction between "direct" and "indirect" contracts in restraint of trade, for he says:

"A contract which is the mere accompaniment of the sale of property, and thus entered into for the purpose of enhancing the price at which the vendor sells it, *which in effect is collateral to such sale, and where the main purpose of the whole contract is accomplished by such sale, might not be included, within the letter or spirit of the statute in question*" (p. 329).

In the Joint Traffic case practically the same agreement was again brought before the Court and the question reargued by the same counsel; it was insisted that the construction of the Court was such as to interfere with ordinary business and all real freedom of contract, and a number of instances were cited, such as the formation of a corporation to carry on any particular line of business by those previously engaged therein or a contract of partnership between two persons previously in the same line of business, etc., to which the Court replied:

"We are not aware that it has ever been claimed that a lease or purchase by a farmer, manufacturer or merchant of an additional farm, manufactory or shop, or the withdrawal from business of any farmer, merchant or manufacturer, restrained commerce or trade within any legal definition of that term; and the sale of a good-will of a business with an accompanying agreement not to engage in a similar business was instanced in the *Trans-Missouri case* as a contract not within the meaning of the act; and it was said that such a contract was collateral to the main contract of sale and was entered into for the purpose of enhancing the price at which the vendor sells his business." (U. S. *v.* Joint Traffic Assn., 171 U. S., 567, 568.)

And in commenting upon the case of Hopkins *v.* United States, 171 U. S., p. 578, decided at that same term, in which it was held that the statute applies only to those contracts "whose direct and immediate effect is restraint upon interstate commerce," the Court said:

"An agreement entered into for the purpose of promoting the legitimate business of an individual or corporation, with no purpose to thereby affect or restrain interstate commerce, and which does not directly restrain such commerce, is not, as we think, covered by the act, although the agreement may indirectly and remotely affect that commerce.

"*To suppose, as is assumed by counsel, that the effect of the decision in the Trans-Missouri case is to render illegal most business contracts or combinations, however indispensable and necessary they may be, because, as they assert, they all restrain trade in some remote and indirect degree, is to make a most violent assumption and one not called for or justified by the decision mentioned, or by any other decision of this Court.*" (U. S. *v.* Joint Traffic Assn., 171 U. S., p. 568.)

If I have quoted fully from these cases, it is for the pur-

pose of demonstrating that the Court did not interpret the statute literally as forbidding all contracts or combinations which might incidentally restrain trade. The Court there held, and held rightly, that the criterion of the statute was whether the restraint was a direct or an indirect one. As they refused to construe the statute literally the dictum in the Freight Association case that all contracts fall within its scope is scarcely consistent with the remainder of the opinion, which, when read as a whole, is clear enough.

It is, nevertheless, unfortunate that the Court apparently distinguished between the scope of the common-law rule and that of the statute and misconceived, as I think, the application of the word "reasonable." At common law it would have been no defense to any combination having for its object the fixing of prices to maintain that those prices were reasonable, and the Court in deciding this defense to have been unsound did not go beyond the common law. The expressions referred to in Mr. Justice Peckham's opinion explain the not unnatural popular misapprehension as to the meaning of the word "reasonable," and the present criticism that the Court has at this late date, after fifteen years of adjudication, now for the first time read that word into the statute.

Had Senator Sherman's original law stated that "(1) all contracts in unreasonable restraint of trade and (2) all combinations and conspiracies in restraint of trade are illegal and void," it would have declared the common-law rule both accurately and discriminatingly.

It is evident that the simple distinction between "direct" and "indirect" contracts in restraint of trade effects the intention of Congress, which was not to paralyze the industries of the country by (to use Mr. Justice Peckham's language) "a most violent assumption," but was to prevent those agreements whose primary object was restraint.

It has been argued popularly and the point has been raised in various cases that restraint of trade and restraint of competition do not mean the same thing. This point is fanciful rather than real. Restraint of trade, as the history of that term at the common law shows, included any restriction by which any individual or individuals should, by voluntary act or otherwise, be inhibited from carrying on their trade or business in their own way, which is equivalent

to restraint of competition, and the Courts have uniformly so considered it. There is, however, this truth in the suggestion that there may well be indirect restraints of competition which may not in themselves restrain trade. This, however, is only illustrative of the fact that the distinction between the two classes of contracts and combinations is that between those which restrain directly and those whose restraints are merely indirect and ancillary to some other purpose.

This view is emphasized by the next important case, which is that of the United States *v.* Addyston Pipe and Steel Company, which dealt with a combination of manufacturers for the purpose of dividing the territory in which their product was to be sold. In the Circuit Court of Appeals the opinion was rendered by Judge Taft, who held such an agreement to be a combination in direct restraint of trade and to fall within the statute. He reviewed in very exhaustive fashion the prior cases and delved deep into the common law, finally concluding that a combination among a number of persons engaged in a particular business to stifle or prevent competition and thereby to enhance or diminish prices to a point above or below what they would be if left to the influence of unrestricted competition is contrary to public policy as found either at the common law or in the statute. In this very case it was urged that the prices at which cast-iron pipe was sold were reasonable, to which Judge Taft answers:

"We do not think the issue an important one because, as already stated, we do not think at common law there is any question of reasonableness open to the Courts with reference to such a contract. Its tendency was certainly to give defendants the power to charge unreasonable prices had they chosen to do so." (85 Fed. Rep., p. 293.)

When the case came to the Supreme Court the question mainly considered was whether the agreement so directly affected interstate commerce as to fall within the statute. This being decided in the affirmative, the combination was declared illegal.

The views of Judge Taft are also those of President Taft, since in a recent message he says:

"It has been proposed, however, that the word 'reasonable' should be made a part of the statute and then that it should be left to the Court to say what is a reasonable restraint of trade, what is a reasonable suppression of competition, *what is a reasonable monopoly.* I venture to think that this is to put into the hands of the Court a power impossible to exercise on

any consistent principle which will insure the uniformity of decision essential to just judgment. It is to thrust upon the courts a burden that they have no precedents to enable them to carry, and to give them a power approaching the arbitrary, the abuse of which might involve our whole judicial system in disaster."

The message has been quoted as in conflict with the views of the Chief Justice, but I do not think there is any real conflict. Of course there could be no "reasonable" monopoly, since, as the Chief Justice points out, the very objective both of the common law and the statute is monopoly. The test of reason merely applies to the question whether the combination or contract aims at or tends to monopoly. The use of the word "direct" and the elimination of such a vague phrase as "the light of reason" would have greatly clarified the situation.

In Swift *v.* United States a combination of beef-packers was equally held invalid, and it was quite clear that the combination would have been invalid at common law.

The famous Northern Securities case involved a different state of affairs, in that a holding corporation was devised for the purpose of controlling both the Great Northern and the Northern Pacific Railway companies. A grave constitutional problem was involved as well as the question whether the creation of a corporation for holding the stock of both companies was a combination within the Sherman Act. The majority of the Court held that, although the modern form which the transaction had taken differed from the combinations theretofore before the Court, it was still in effect a combination, the object of which was to create a monopoly and hence within both sections of the act.

Mr. Justice Brewer, however, in concurring with the majority of five whose votes were necessary to the affirmance of the decree against the railroads, dissented from much that was said in that case. His opinion is interesting in that it again raised the question of reasonableness. Referring to the Freight Association case, while he thinks the decision correct, he yet says:

"Instead of holding that the Anti-trust Act included all contracts, reasonable or unreasonable, in restraint of interstate trade, the ruling should have been that the contracts there presented were unreasonable restraints of interstate trade, and as such within the scope of the act. That act, as appears from its title, was leveled at only 'unlawful restraints and monopolies.' Congress did not intend to reach and destroy those minor contracts in partial restraint of trade which the long course of decisions

at common law had affirmed were reasonable and ought to be upheld. The purpose rather was to place a statutory prohibition with prescribed penalties and remedies upon those contracts which were in *direct* restraint of trade, unreasonable and against public policy. Whenever a departure from common law rules and definitions is claimed, the purpose to make the departure should be clearly shown. Such a purpose does not appear and such a departure was not intended." (Northern Securities Co. *v.* U. S., 193 U. S. at p. 361.)

Mr. Justice Brewer, like the present Chief Justice, found some of the language of the Freight Association and Joint Traffic cases so sweeping as to be of a misleading character and felt that the test of reasonableness or directness should have been more explicitly stated. General expressions and opinions are often dangerous, and certainly the expressions used in the Traffic cases have caused a great deal of difficulty and confusion both at the bar and in the world of business. They well illustrate the wisdom of limiting an opinion to the discussion of those matters necessary to a disposition of the case at bar; otherwise they may, to use the happy phrase of Mr. Justice McKenna, "like the exhalations of a marsh, shine to mislead." (De Lima *v.* Bidwell, 182 U. S., p. 205.)

Even after the decision of the Northern Securities cases, the question still remained whether certain large concerns, which, claiming to be the result of natural and normal growth and disclaiming all intention of driving others from the field or of monopolizing any branch of trade, fell within the act. If the act were to be interpreted with the scrupulous literal accuracy evinced by some of Justice Peckham's dicta, it might reasonably have been supposed that every business in the country, which had in any fashion absorbed the trade of its competitors, was obnoxious to the law.

So doubtful did the bar and the bench feel in regard to this statute that the presiding judge of the Circuit Court of Appeals in the case of the United States *v.* American Tobacco Company voiced at least the popular view as to the construction theretofore placed upon the statute by the Supreme Court as follows:

"Disregarding various dicta and following the several propositions which have been approved by successive majorities of the Supreme Court, this language (every contract, combination, etc.) is to be construed as prohibiting any contract or combination whose direct effect is to prevent the free play of competition, and thus tend to deprive the country of the services of any number of independent dealers, however small. As thus construed

the statute is revolutionary. By this it is not intended to imply that the construction is incorrect. . . . The act as above construed prohibits every contract or combination in restraint of competition. Size is not made the test: Two individuals who have been driving rival express-wagons between villages in two contiguous States, who enter into a combination to join forces and operate a single line, restrain an existing competition; and it would seem to make little difference whether they make such combination more effective by forming a partnership or not." (164 Fed. Rep., pp. 701, 702.)

Under these circumstances, the result of the Standard Oil case was awaited with tense anxiety, and it was a cause of general gratification that the judgment was unanimous. It appears, however, unfortunate both for the Court and for the nation that Mr. Justice Harlan felt constrained to dissent from the reasoning of his brethren of the Court. As he had concurred with the majority of the Court in the Freight Association case and the Joint Traffic case, it is evident that even he does not read the statute with literal accuracy as applying to all contracts in restraint of trade, for he took no exception to Mr. Justice Peckham's view that contracts which merely incidentally restrained trade were not within the statute.

The Chief Justice certainly endeavored to deduce from the language and history of the statute and from the foregoing cases some rules by which it might be possible, with a reasonable degree of accuracy, to predict what transactions fall within the act. He analyzes with minuteness and care the English law and concludes that the English decisions and statutes were directed against monopolies and those contracts which may be considered to have resulted in some of the injurious consequences ascribed to monopolies. It hence came about that contracts or acts which were considered to have a monopolistic tendency, especially those which were thought to unduly diminish competition and thus to enhance prices (in other words, to monopolize) came also in a generic sense to be spoken of and treated as they had been in England, as restricting the due course of trade and therefore as monopolies generally. It is difficult to abridge or paraphrase his *résumé,* therefore I quote it *in toto:*

"In view of the common law and the law in this country as to restraint of trade, which we have reviewed, and the illuminating effect which that history must have under the rule to which we have referred, we think it results,

" (a) That the context manifests that the statute was drawn in the light of the existing practical conception of the law of restraint of trade, because it groups as within that class, not only contracts which were in restraint of trade in the subjective sense, but all contracts or acts which theoretically were attempts to monopolize, yet which in practise had come to be considered as in restraint of trade in a broad sense.

" (b) That in view of the many new forms of contracts and combinations which were being evolved from existing economic conditions, it was deemed essential by an all-embracing enumeration to make sure that no form of contract or combination by which an undue restraint of interstate or foreign commerce was brought about could save such restraint from condemnation. The statute under this view evidenced the intent not to restrain the right to make and enforce contracts, whether resulting from combination or otherwise, which did not unduly restrain interstate or foreign commerce, but to protect that commerce from being restrained by methods, whether old or new, which would constitute an interference that is an undue restraint.

" (c) And as the contracts or acts embraced in the provision were not expressly defined, since the enumeration addressed itself simply to classes of acts, those classes being broad enough to embrace every conceivable contract or combination which could be made concerning trade or commerce or the subjects of such commerce, and thus caused any act done by any of the enumerated methods anywhere in the whole field of human activity to be illegal if in restraint of trade, it inevitably follows that the provision necessarily called for the exercise of judgment which required that some standard should be resorted to for the purpose of determining whether the prohibitions contained in the statute had or had not in any given case been violated. Thus not specifying but indubitably contemplating and requiring a standard, it follows that it was intended that the standard of reason which had been applied at the common law and in this country in dealing with subjects of the character embraced by the statute, was intended to be the measure used for the purpose of determining whether in a given case a particular act had or had not brought about the wrong against which the statute provided" (Op., p. 21).

These conclusions certainly seem to give full effect to the intention of Congress, which was to confer upon the Federal Courts power to prevent monopoly and the wrongs incident to attempts to monopolize, adding to the common-law invalidity of such agreements the sanctions of criminal law.

It may be regrettable that the Chief Justice uses the terms " unreasonable," " undue," " the light of reason," and " direct " and " indirect " as meaning one and the same thing, thus seeming to create a somewhat vague standard, but the Chief Justice certainly does not mean the " reason " of each individual court or judge nor any philosophic conception of " light of reason." It is generally held that Public Service Corporations cannot have their charges reduced by the Legislature beyond what is reasonable. This criterion

has not been found impracticable or even very difficult of application. Whether certain State requirements are proper exercise of the police power or interferences with interstate commerce is a matter which depends upon the reasonableness of the regulation, or, in other words, whether the effect upon such commerce is merely incidental or indirect. (Smith *v.* Alabama, 124 U. S., 465.)

From the analysis already made it seems to us that the language of the statute and the results of all the decisions as to the Anti-trust Act bear out the view *that all contracts and combinations which directly tend to restrain trade are unlawful, and that all attempts to monopolize, brought about by whatever methods, whether old or new, are equally within the statute.*

It may, nevertheless, be thought that these criteria are of so general a character as to be of little value in predicting the results in specific cases. This is undoubtedly true, and yet I submit that, under the circumstances, the Court could not have dealt with the statute in any other way. It has been urged that it would be probably illegal and certainly immoral to indict any one for having unreasonably restrained trade, since the criminal law should be sufficiently certain to give persons some definite notice as to what constitutes its infringement. While this argument has seeming force, many statutes are equally and perhaps unavoidably as vague. One is forbidden, under severe penalty, from driving negligently along the highway, and it is for the judge to charge the jury what constitutes negligence. So it must, under this statute, be for the judge to charge the jury as to what constitutes combinations in restraint of trade or an attempt to monopolize. A monopoly in the modern sense is a capitalistic monopoly and may be no more than a great aggregate of wealth concentrated under one control which renders in actual practise all real attempts at competition ineffective.

The decision in the case of the United States *v.* American Tobacco Company just decided but reaffirms and reiterates the doctrine enunciated in the Standard Oil case and applies it to a more complex and difficult situation. The Chief Justice in that opinion explains the necessity of a fair and liberal construction of the statute, one which will carry out the intent of Congress to check monopolies while not interfering with those ordinary and normal contracts which it

was the object of the statute to protect. The view of the Chief Justice may be summed up by saying that a liberal construction of the statute alone will make it really effective, and as so construed it must be declaratory of the common-law rule which had in view the same purpose as the act—namely, the protection of freedom of contract against impairment by monopolies. A narrow, literal construction would thus not only be anti-historic, but wholly nugatory of the intent of Congress, in that it would paralyze that ordinary and natural trade development whose main purpose it was to safeguard. The Chief Justice thus appositely puts it:

"The soundness of the rule that the statute should receive a reasonable construction, after further mature deliberation, we see no reason to doubt. Indeed, the necessity for not departing in this case from the standard of the rule of reason which is universal in its application is so plainly required in order to give effect to the remedial purposes which the act under consideration contemplates, and to prevent that act from destroying all liberty of contract and all substantial right to trade, and thus causing the act to be at war with itself by annihilating the fundamental right of freedom to trade which, on the very face of the act, it was enacted to preserve, is illustrated by the record before us." (Op. American Tobacco case, p. 27.)

The remedies applied by the Court in the Tobacco case seem peculiarly appropriate to the elimination of monopolistic features, while not of so drastic and merely destructive a nature as to disastrously affect the interests of the public and of innocent stockholders.

It is probable that in future the criminal feature of the law will be more largely relied upon by the Government as a deterrent to monopoly. In this event the question of intent will evidently be of very great importance. The general legal doctrine is that there is no crime without intent, but this is only a rule of construction which may be negatived by the Legislature. There is a class of cases in which the courts have held that the plain language of statutes made immaterial the question of intent. In such cases the fact that the persons charged have violated the express prohibition of the law is sufficient ground for conviction. A typical case of this kind is one arising under the statute of New York preventing the sale of impure or adulterated milk. While it was admitted that adulterated milk had been sold, proof was offered that this was without the knowledge, and therefore the intent, of the defendant, to which the Court of Appeals answers:

"As the law stands, knowledge or intention forms no element of the offense. The act, alone, irrespective of its motive, constitutes the crime. . . . Experience has taught the lesson that repressive measures which depend for their efficiency upon proof of the dealer's knowledge and of his intent to deceive and defraud are of little use and rarely accomplish their purpose." People *v.* Kibler, 106 N. Y., pp. 323, 324.)

While it still is open to question as to whether the Sherman Law is in the same category, yet, where a monopoly has been actually created, it will probably be well-nigh impossible for defendants to escape upon the ground of lack of intent. Persons are always presumed to have intended the natural effect of their acts, and the doctrine of intent even where applied, especially in cases of purely statutory delinquencies, has been beaten out very thin.

There may be and probably are sound objections to the statute on economic grounds, but I do not believe that it can be successfully challenged upon the ground of vagueness or uncertainty. It has always been a difficult question to draw the line between "direct" and "indirect" contracts and combinations restraining trade. The difficulty is more acutely and generally pressing to-day because of the approach to actual monopoly in so many of the necessaries of life.

I cannot think that Mr. Justice Harlan is justified in considering the present decision as really at variance with former decisions. Taking these decisions together as a coherent whole, there can be little or no doubt that the result reached in every one was similar to that which would have been reached upon the assumption that the statute was merely declaratory of the common law. It must seem deplorable that so much confusion should have arisen over what now seems to have been a battle of words.

There is necessarily a continuing conflict in society between justice and certainty. That in the law there should be some degree of certainty is necessary to every-day life and the transaction of business, but absolute certainty in the law is only possible in a society whose stability is as great as that of the ancient Medes and Persians; changing social and economic conditions give rise to different situations and to opinions which must ultimately find their way into the law. The warfare against modern monopoly is being carried on with the rusty weapons of medieval England, and any confusing economic result should not be attributed to our

courts. No other result is to be hoped for while legislators, instead of giving these great problems intelligent, constructive consideration, weighing the economic advantage of unified and concentrated production against the social evils which may arise from suppressing great numbers of small producers, content themselves with redeclaring the ancient doctrines, which, if they were ever adequate to cope with the problem, seem completely and wholly ineffective as a solution of the economic problems confronting us at the present time.

The Sherman Law, if construed absolutely and literally, according to the most approved Chinese method, would result in complete economic stagnation. Interpreted rationally in the sense intended by its originator, as declaratory of well-settled rules of common law, it will not annihilate business nor even perhaps very seriously impair its development. It is, however, calculated to leave the whole question of "monopoly" and "combinations in restraint of trade" in an uncertain condition necessarily resulting in suits and prosecutions in which courts and jury must determine in every case whether there was restraint of trade or attempt to monopolize, and all this with results of very doubtful value to the community. The real difficulty lies in the fact that the nation has not as yet thought out any intelligent legislative programme which will adequately deal with new and largely untried economic conditions. FREDERIC R. COUDERT.

THE QUANDARY

BY JAMES M. BECK

THE litigation just ended represents an important, though passing, phase in the conflict between the age of the wheelbarrow and that of the aeroplane. The issues involved were something more than "nice sharp quillets of the law." The Sherman Law, originally intended as a mere policing of the channels of interstate trade, to free them from such obstructions as were unlawful at common law, had become an economic theory, and attempted to reconstruct society by defending the primitive individualism of the age of the wheelbarrow from the greater individualism, which in the age of steam and electricity finds its highest expression in association. The ultimate solution of this struggle has probably been advanced by the action of the Court in holding that the whole problem must at least juridically be approached

in the spirit of "sweet reasonableness." Beyond defining the attitude of the Court as one of reasonableness, the decisions, however voluminous, suggest little that is tangible in the solution of the vexed problem of reconciling the liberty to combine with the industrial independence of the individual. We are little wiser than before as to what a restraint of trade is under the Sherman Law, or what restraints will be hereafter regarded as unreasonable. While we are admonished that the "normal" growth of business expansion is permissible and the abnormal inhibited, little light is shed by the judicial lamp of reason upon the social or legal principles which shall hereafter distinguish the "normal" from the "abnormal." Still less do we know when the instinct for expansion becomes "unduly restrictive" of competition.

The demonstration has thus been that of the clinic rather than that of the philosophical laboratory.

This much is clear that two large business organizations are doomed to legal vivisection upon some general but undefined social and ethical principles, and we can only learn the lesson of the clinic by taking note of the conditions of the patients when they went under the surgeon's scalpel.

These two organizations were among the largest and most successful in the world. The same economic tendencies which originally made our nation a governmental unit made these combinations the recognized type of an efficient commercial unit, which produced the maximum of productive wealth with the minimum of waste. Neither became what it was by the governmental favor of bounties or tariffs. Each competed with all comers not only in this country, but in the markets of the world, and each demonstrated in their respective industries the superior force of American energy. Each built up a world-wide trade, which has brought to our country incalculable wealth. Each has been remunerative to their investors, concededly a benefit to the consumers both in the quality and cost of their products, and each, far from restricting trade in any practical way, gave to it an enormous expansion. Neither was in fact a monopoly, for each was confronted with a growing competition. When their histories shall be written it will be said that, however deplorable from an ethical standpoint some of their incidental methods undoubtedly were, especially in the past, the controlling cause of their marvelous growth and world-wide success was inherent in combined capital, scientific management, efficient

organization, untiring energy, and extraordinary business sagacity. If they did not always remember the Golden Rule, neither did their competitors. The policy of the law required them to compete and they competed—but it seems too successfully. They too were subject to an unyielding economic law that the tendency of competition is to restrict the number of the competitors, for as Napoleon once said: "You cannot make an omelet without breaking some eggs." Having outstripped all their competitors in this or any country, they are now under the mandate of a drastic law, which represents the discarded policies of more primitive times, penalized for their success, which is judicially held to be such a menace to individual enterprise as to be injurious to the public welfare. The policy of a law which not only authorizes but compels an individual or corporation to compete, and then penalizes them if they compete too successfully is not unlike the graciousness of the fond mother who gave her daughter permission to go out to swim, but sternly forbade her to go near the water.

How far has this doctrine of reasonableness taught others to beware of the fate of Standard Oil and American Tobacco? What are the limits of permissible growth? What proportion of a given trade may any competitor by his energy and resources secure? How strong must the "dram of eale" ("Hamlet," Act I, Scene IV) of "unreasonable" business methods be to adulterate the "substance" of legitimate power inherent in combined capital, associated energy, and scientific management? When must the successful man or combination pause on the margin of the sea and lament that he can conquer no more worlds because further growth will be visited by the indictment of a Grand Jury or the injunction of a Chancellor? To these questions what answer have we?

Even if the decisions were lighthouses, which would serve to warn other hardy and adventurous mariners of the legal rocks upon which the Standard Oil and Tobacco companies were wrecked, they are not a chart or compass to enable these same mariners to navigate the seas. Indeed, until the *terra incognita* of the "unreasonable" is discovered and charted by some judicial Livingstone or Peary, the administration of the Federal law as to the rights and limits of combination will be in a state of economic anarchy.

I do not criticise the Court. It could only enforce as best

it could a cryptic law. It faced a crisis in the administration of law of extraordinary difficulty. It had given in the Trans-Missouri and Joint Traffic cases a literal interpretation to the Sherman Law, which, if impartially enforced by the Executive Department against all combinations within the spirit of the decisions, would have resulted in business chaos. At least twelve hundred industrial corporations, with capital and resources easily exceeding $10,000,000,000, had been formed by the voluntary combination of individuals, theretofore competitors, and each of these combinations had necessarily resulted in a technical restraint of trade, if that obscure legal phrase is practically synonymous with the diminution of competition. This interpretation of the law, as was happily said by Justice Holmes in his dissenting opinion in the Northern Securities case, "would make eternal the *bellum omnium contra omnes* and disintegrate society, so far as it could, into individual atoms. . . . *It would be an attempt to reconstruct society.*"

Such a law was impossible of enforcement. To avoid committing a great, practical industrial nation to a policy of hari-kari, successive Attorneys-General necessarily ignored its impartial enforcement and as a sop to a supposed public sentiment brought suit only against a few of the larger and more unpopular combinations. A government of caprice was thus substituted for a government of law, and in the vital matter of industrial organization, while a few combinations transacted their business under the shadow of a legal guillotine, many others pursued with impunity the same business methods, adopted the same forms of business organization, achieved relatively to their respective industries the same successful results, and enjoyed relatively like dominating power.

This enforced policy of executive favoritism could not long endure in a government which was happily defined by Justice Brewer to be "one of laws and not of men." Its demoralizing results were patent. It bred a spirit of lawlessness, destroyed faith in the basic principle of our government, the equal protection of the laws, and compelled proud men to stoop to the purchase of immunity by flattery and other forms of sycophancy.

When Mr. Taft became President the situation had become intolerable. Business men pursued their activities under a cloud of doubt and in the shadow of possible prosecution.

In the mean time combinations in obedience to the law of competition, which compelled lesser units to merge in order to meet the larger units upon less unequal terms, came into existence, grew and waxed great, for, as the grave-digger said in "Hamlet":

"Your dull ass will not mend his pace with beating."

The unhappy position of the business man was intensified by the fact that not only had the administration of law ceased to be impartial, but neither bench nor bar had any clear idea what was legal or illegal. Business could probably have adjusted itself to almost any economic theory, however archaic, provided that the rules of the game were clearly defined and impartially enforced. But the business man vainly sought the light as to what the Sherman Law meant by its sweeping and general phrases, but in the end his plight for the last ten years has been that of Belshazzar:

"The king cried aloud to bring in the astrologers, the Chaldeans, and the soothsayers. And the king spake, and said to the wise men of Babylon, 'Whosoever shall read this writing, and shew me the interpretation thereof, shall be clothed with scarlet, and have a chain of gold about his neck, and shall be the third ruler in the kingdom.'

"Then came in all the king's wise men; but they could not read the writing, nor make known to the king the interpretation thereof.

"Then was King Belshazzar greatly troubled, and his countenance was changed in him, and his lords were astonished."

The Supreme Court has interpreted the cryptic characters of the Sherman Law as announcing the "rule of reason." Wall Street acclaims this as a solution in the hope that a temporary sentiment of enthusiasm may push the wheels of industry through the slough of despond. But hard-headed business men either recognize or will soon recognize that presidents, attorneys-general, district attorneys, grand juries, petit juries, and courts will soon differ as to what the "rule of reason" is. That it will little relax the law as to restraint of trade, as applied in the reign of Queen Elizabeth (and long since repudiated by the English bench) can be seen in the recent decision of our Supreme Court in the Parks medical case, which holds that a manufacturer may not sell his own product upon conditions as to the price of resales.

When Mr. Taft became President, he stated that it would be his policy to enforce the law impartially. He, the upright Judge and fair-minded Executive, knew full well what such

a policy would entail. Possibly he solaced himself with Grant's practical reflection that the "only way to secure the repeal of a bad law is to enforce it." He said in his message of January 7th, 1910:

> "But such an investigation and possible prosecution of corporations, whose prosperity or destruction affects the comfort not only of stockholders, but of millions of wage-earners, employees, and associated tradesmen, must necessarily tend to disturb the confidence of the business community, to dry up the now flowing sources of capital from its places of hoarding and produce a halt in our present prosperity that will cause suffering and strained circumstances among the innocent many for the faults of the guilty few."

These were and will, I believe, continue to be prophetic words.

To carry out this policy in accordance with the manifesto was a physical impossibility, but if suits had been simultaneously brought against the 1,200 industrial corporations and the many railroad corporations which were within the literal provisions of the statute, there would have been an acute panic and wide-spread disaster. Edmund Burke once said that you could not indict a people. Indeed, future generations will reflect with astonishment upon the spectacle of an enlightened government during the last two decades harrying its own business men for obedience to economic laws. As Disraeli once said: "The government sinks into a police."

Such was the real crisis which confronted the Supreme Court when it considered the Standard Oil and Tobacco cases. It could do little to save a dangerous situation unless it was prepared to disregard its own precedents and conform the interpretation of the statute to the reasonable necessities of the American people and the obvious tendencies of an age pre-eminently of combination.

It chose a course, difficult to justify, as Justice Harlan's powerful dissenting opinion well shows, on strictly technical grounds and with due regard to the principle of *stare decisis*, but amply justified upon the broader consideration of the public welfare. *Salus populi, suprema lex.* It gave a new and more reasonable interpretation to the statute. While it has not solved a vexed question, it has at least made its ultimate solution a possibility. In doing so, the court simply applied a well-recognized and elementary rule of interpretation. Language is at its best an unhappy vehicle of thought,

and whether in a contract, a statute or a constitution, a court always subordinates the mere letter to its obvious purpose and reasonable spirit. The rule was well stated by the same great court as follows:

"The laws should receive a sensible construction. General terms should be so limited in their application as not to lead to injustice, oppression, or an absurd consequence. It will always, therefore, be presumed that the Legislature intended exceptions to its language, which would avoid results of this character. The reason of the law in such case should prevail over the letter."

Defending this rule of construction from the charge of judicial legislation, the Supreme Court said in the Holy Trinity case:

"This is not the substitution of the will of the judge for that of the legislator, for frequently words of general meaning are used in a statute, words broad enough to include an act in question and yet a consideration of the whole legislation or of the circumstances surrounding its enactment or of the absurd results which follow from giving such broad meaning to the words, makes it unreasonable to believe that the legislator intended to include the particular case."

Popular government would be intolerable unless there was latitude in the interpretation of written laws, for, paraphrasing an epigram of Voltaire with reference to Russia, democracy is a popular despotism tempered by constitutional limitations and judicial interpretation. If, therefore, the present reasonable construction had been given to the statute in the Trans-Missouri and Joint Traffic cases—and the present Chief Justice contended for it as vigorously then as now—it would, I believe, have received general acquiescence and by this time we would have had a series of constructive decisions which would have reconciled upon broad and enduring lines the right of combination with the liberty of the individual; but unfortunately the court sacrificed in the earlier cases the spirit of the statute to its letter, and since then the business interests of the country have been floundering in a very quagmire of uncertainty. Nor will they escape from this fateful morass until the courts give a clear and tangible definition to their "rule of reason."

To many the reversal by a court, which is supreme in fact as in name, of its own deliberately adjudged decisions, weakens its prestige, but this, I think, is a superficial view. The Supreme Court does not pretend to omniscience. Here are nine individuals, exercising the gravest governmental

power in the world and applying rules of action to interests so vast as to stagger the imagination. Overburdened with work and facing responsibilities that are beyond any possible power of accomplishment, the Court is required to decide in weeks and months questions whose rightful solution requires years. Under such circumstances, how can we reasonably expect that absolute consistency which could only co-exist with infallibility? No court in the world has a history of greater honor and more beneficent achievement than the Supreme Court of the United States. If at times Homer has nodded, why in the nod of an overburdened mind should we forget the glorious heritage of the Iliad? In laying down rules which affect the infinitely complicated mechanism of business, it can often only determine the wisdom of its conclusions in the light of practical results. With it, as with any other body of men, hindsight is at times the only practicable wisdom. Far from entertaining a diminished respect for the court, which recognizes the error of its previous adjudication, we should rejoice that the Court is able, like the wise man of the childhood ballad, who, having scratched out both his eyes by jumping into a bramble bush, is able, by jumping back again with all his might and main, to "scratch them in again." The Sherman Law was the bramble bush.

To the student of our institutions the more interesting question suggests itself whether the practical application of the "rule of reasonableness" will not involve an extraordinary assumption by the judiciary of essentially legislative powers. This is emphasized by the decree of the Supreme Court in the Tobacco case, which requires the lower court to recreate by "disintegration" a new condition in "honest harmony" with the law. Having determined that Congress intended to forbid any combination which is injurious to the public welfare, the Supreme Court now assumes, as a judicial duty, the determination of what forms of business activity are thus injurious and what are the limits of permissible growth. This requires it to lay down principles of public policy, which seem to me essentially legislative in their character. Had Congress inserted the word "unreasonable" in the statute and left it to the judiciary to interpret and apply, the judiciary might well have declined to do so on the ground that it was a virtual delegation by Congress of its duty to legislate. This is even more true when it is the Supreme Court, and not Congress, that has inserted in

the statute the qualifying adjective "unreasonable." President Taft clearly showed this in one of his recent messages to Congress. He said:

"It has been proposed, however, that the word 'reasonable' should be made a part of the statute, and then that it should be left to the court to say what is reasonable restraint of trade, what is a reasonable suppression of competition, what is a reasonable monopoly. *I venture to think that this is to put into the hands of the court a power impossible to exercise on any consistent principle which will insure the uniformity of decision essential to best judgment.* It is to thrust upon the courts a burden they have no precedents to enable them to carry, *and to give them a power approaching the arbitrary, the abuse of which might involve our whole judicial system in disaster.*"

These were brave and sagacious words and their full significance will only develop in the light of experience as the courts attempt to apply the vague rule of "reasonableness." While the social compact, in our country represented by the Constitution, permits the natural liberty of men to be restrained by such "just and equal" laws as the common welfare requires, yet it is equally fundamental in a free government that such laws should clearly define what is permitted and what forbidden. Otherwise ours would be a government of men, not of laws. In the case of Chicago *vs.* Day, Justice Brewer held that a penal statute forbidding a railroad to charge an "unreasonable" rate would be void for want of certainty,

"for no penal law can be sustained unless its mandates are so clearly expressed that any ordinary person can determine in advance what he may and what he may not do under it."*

The statement above quoted was that of Justice Brewer, sitting in circuit, but in United States *vs.* Reese, decided in 1874, Chief-Justice Waite, speaking for the Supreme Court, said:

"If the Legislature undertakes to define by statute a new offense and provides for its punishment, it should express its will in language that need not deceive the common mind. Every man should be able to know when he is committing a crime. . . . *It would certainly be dangerous if the*

* He illustrated his meaning by a citation of the Chinese Penal Code, which punished any man with forty blows who was guilty of "improper conduct." It is true that this great jurist only had reference to a criminal statute, but—at least—in its ethical aspects there can be no sound distinction between a Delphic law, which imprisons a man for an offense and which leaves the definition of the offense to each jury, to be determined by caprice or varying judgment, and a similar law, which restrains liberty of action, forfeits property, or otherwise impairs a man's natural liberties.

Legislature could set a net large enough to catch all possible offenders and leave it to the courts to step inside and say who could be rightfully detained and who should be set at large. This would to some extent substitute the judicial for the legislative department of the Government."

Chief-Justice Marshall said in United States *vs.* Wiltberger, that "it is the Legislature, not the court, which is to define a crime and ordain its punishment." And yet our Wall Street Mark Tapleys are now rejoicing in the very vagueness of the term "unreasonable," probably on the principle of the King in the trial scene of *Alice in Wonderland*, who was glad that some documentary evidence was without definite meaning, for, as he said, "that would save a lot of trouble."

This humane principle as to the necessary definiteness of a law is not novel, for even the civil law, developed in the time of the Cæsars, said, "*Ubi jus incertum, ibi jus nullum.*"

This salutary principle has never been recognized in our trust legislation. The cruel mockery of the Sherman Law has been that each business man, under the peril of possible imprisonment, has been required to interpret infallibly a statute which the Supreme Court itself has failed to interpret consistently for twenty years and as to which it has at length reached no more definite conclusion than that business men must avoid any "unreasonable" restriction of trade.

Chief-Justice White, in my judgment the ablest dialectician of the Supreme Court since Marshall's time, justifies the assumption of legislative power to determine what is reasonable in the matter of economics by referring to the fact that courts have immemorially determined, upon complex and often conflicting facts, whether a litigant has been guilty of fraud, and he suggests that the word "fraud" is as elastic in meaning as "reasonable." I confess that I cannot follow the analogy. Whether a party has been guilty of a fraud depends upon certain sharply defined moral principles upon which, as plain matters of right and wrong, all reasonable people are in accord and which are therefore axiomatic, but in determining what is reasonable, as affecting favorably or adversely the public welfare, the court must enter upon the whole vast domain of economics. Fundamentally the court must consider whether the prevention of the waste incident to unrestricted competition outweighs, as a public advantage, the power which such restriction gives to oppress the consumer with exorbitant prices. This is not a question

about which all men are in accord. On the contrary, it is one of the vital issues between socialism and individualism. The underlying question, therefore, as to how far combination is for or against the common weal goes to the very foundations not only of government, but of society. It involves the vital question whether the machinery of society is not to-day proceding more through voluntary associations of men than through merely political agencies. In the modern industrial state, boards of trade, clearing houses, labor organizations, traffic associations, even Judge Gary's famous dinners, play a larger and more useful part than Washington bureaus or Federal commissions. All these are questions of public policy and upon these, in my judgment, the legislative branch of the government is alone under our Constitution competent to pass. It was never intended that the judiciary should formulate the public policy of the nation. The reason is obvious. The judges are appointed and hold their positions for life and are therefore independent of the popular will. The representatives in Congress are theoretically the true representatives of the people and they and they alone must determine the fundamental questions of public policy, which are involved in the permissible limits of combination.

The Supreme Court in its wisdom has decided otherwise. It has assumed a crushing burden. The Federal Courts in applying the rule of reasonableness must now determine the limits of combination, the lawful and unlawful forms thereof, the economic necessities of a people, the degree to which competition may be restricted, the ethical character of commercial methods, the invalidity of different forms of competition, the degree to which the telegraph, the railroad, and the steamship may be utilized in consolidating different and competing units into a more efficient and non-competing unit, the proportion of a given trade or industry that a given individual may enjoy, how far prices may be regulated to prevent loss and how far production can be restricted to prevent waste. In other words, they must now be the arbiters of conflicting schools of philosophy and economic ideals. Which was right, Jefferson and Adam Smith, or Hamilton and Karl Marx, the individualism of Herbert Spencer or the socialism of John Ruskin? I cannot envy them their self-imposed burden.

I agree that all these questions can be more intelligently passed upon by the judiciary than by the Legislature. It

has been the experience of both England and the United States that regulations of trade could be effected better through judicial interpretation than through legislative action. Written statutes have a certain rigidity, and, when applied to complicated facts, are too inelastic for practical use. The courts, however, in deciding successive questions upon concrete facts can cautiously and conservatively suggest definite principles of public policy and can adapt these principles by judicial interpretation from time to time to the expansion of industry and changing social conditions. Indeed, the law as to restraints of trade has been largely developed by the judiciary, but this has arisen from the practical workings of the English Constitution, under which the judges had unquestioned legislative powers. The common law of England is judge-made law and the essentially legislative character of many of its rules have been disguised in the ingenious fiction that the principles of the common law are based upon immemorial usage and unrecorded acts of the legislative branch of the government. No such fiction exists in our constitutional form of government. Its basic principle has been the separation of the executive, legislative, and judicial branches. The United States has no common law as such and the Federal Courts have no power as the English bench to formulate rules of economic policy in the absence of legislative action. Their power is restricted to the Constitution and statutes of the United States. The Sherman Anti-Trust Law neither delegated nor could it constitutionally delegate to the Federal Courts the power to formulate rules of public policy with reference to combinations.

This assumption of legislative power, however, simply follows the trend of our constitutional evolution, which is rapidly obliterating the line of demarcation between the three co-ordinate but theoretically independent departments of the government. Thus, the Supreme Court in the Granger cases, decided in 1876, held that the power to fix the compensation of a public utility corporation was legislative, but in a later case it assumed the right to determine under the Fourteenth Amendment whether the rate prescribed by the Legislature was reasonable. This in effect gave to the judiciary the ultimate power of fixing, although not initiating, the rate of compensation. For this assumption there was the justification of enforcing the Fourteenth Amend-

ment, but in the present assumption of power to determine the reasonableness or unreasonableness of different forms of combinations and thereby to regulate, by permissions and prohibitions, the whole field of economics, no such constitutional power can be invoked.

The doctrine of Montesquieu as to the distribution of all governmental power among three separate bodies of magistracy, namely, legislative, executive, and judicial, was, as Madison affirms in No. 47 of the *Federalist,* recognized by the Constitutional Convention as the very foundation of its labors. The fathers believed that where there was a union of these powers in one man or one body of men, there could be no public liberty. As Justice Miller said in Kilbourne *vs.* Thompson (103 U. S., 168), this distinction has always been regarded as "one of the chief merits of the American system of written constitutional law," and he added:

"The perfection of the system requires that the lines which separate and divide these departments shall be broadly and clearly defined."

Until recent years, when the tidal wave of socialism has swept our institutions somewhat from their ancient moorings, this was the accepted doctrine of the American people. The axiom of Locke in his essay on Civil Government was still accepted as basic that "the Legislature neither must nor can transfer the power of making laws to any one else nor place it anywhere but where the people have." But in this as in many other respects our institutions have inevitably felt the centripetal influences of steam and electricity. Even before the railroad and the telegraph, Napoleon sagaciously said, on the eve of the 18th Brumaire:

"Notwithstanding our pride, our thousand and one pamphlets, our endless speechifyings, we are very ignorant in political and social science. We have not yet defined what we mean by the executive, legislative, and judicial powers. Montesquieu's definitions are false. In fifty years I can see but one thing that we have defined clearly, which is the sovereignty of the people; but we have done no more toward settling what is constitutional than we have in the distribution of powers. The organization of the French nation is, therefore, still incomplete. This legislature, without eyes or ears for what surrounds it, should no longer overwhelm us with a thousand laws passed on the spur of the moment, that negative one absurdity by another, and that leave us, with three hundred folios of laws, a lawless nation."

Mutatis mutandis, Napoleon's criticism could be applied to the present workings of our American system of government. Both to the executive and the judicial branches of govern-

ment there has been in recent years the most palpable delegation of purely legislative functions, and this is largely due to the inability of Legislatures to adjust the statutes to the complicated facts of modern society. Congress has often contented itself, as in the Sherman Anti-Trust Law, with stating in vague terms an object or purpose and then leaving to the Executive and to the judiciary the formulation of the real laws.

It is not unnatural that our country, whose system of government is essentially English, should follow the genius of English institutions in practical administration, while proclaiming its adherence to the political philosophy of Montesquieu, but there has never been before and there is not likely ever to be again a more striking and far-reaching assumption of legislative power than that which is involved in the present trust decisions in committing to the Federal Courts substantially the entire question as to the regulation of the rights of men to combine their energies and resources. Such assumption recalls the prophetic warning of Thomas Jefferson:

"It has long been my opinion that the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary, *an irresponsible body working like gravity by day and by night, gaining a little to-day and a little to-morrow, and advancing its noiseless step like a thief over the field of jurisdiction, until all shall be usurped.*"

Who can say that this striking characterization of the Federal judiciary as a "thief of jurisdiction" can be said to be without some justification?

But some one may say, why comment on the decision at all? Is it not its own gloss? The Court of last resort has spoken. Its voice is final. What it declares to be the law is of necessity the law, to be recognized and accepted by all as the law until the legislative branch of the government constitutionally declares otherwise. To this I reply that a reasonable discussion of a Supreme Court decision not only involves no disrespect, but may have its value, especially where the question litigated has its large and important political and social aspects. It then no longer concerns the immediate litigants alone, but the public at large, and is as open to public discussion as any other political or social issue, although in a less degree. While it is the law, to be accepted as such, yet the liberty of opinion which the Constitution guarantees still leaves open the essentially political question whether it ought to be the law.

Such popular discussion is helpful to the Court itself, whose decisions upon grave questions of public policy must often be tentative and subject to its own revision. Thus when the Court in the Granger cases (Munn *vs.* Illinois) expressly held that the Legislature could regulate the charges of public-utility corporations and that such right was beyond judicial review as to its reasonableness, the business interests of the country were alarmed as by a fire-bell in the night. If the railroads could only enjoy such earning power as the caprice of any Legislature might permit, then railroad securities were of little value and could be destroyed at will by confiscatory legislation. When the Court, as a result of a public discussion of its decisions, saw the irreparable disaster that would befall corporate investments if the reasonableness of legislative rates were beyond judicial review, it reversed its own ruling and thereby saved many of the railroads from bankruptcy. While the Supreme Court does not, as Mr. Dooley once irreverently said, "follow the election returns," yet it is neither oblivious to nor uninfluenced by, an intelligent and dispassionate public sentiment.

Similarly in the matter of the Sherman Anti-trust Law, the insistent public discussion of the doctrine of the Joint Traffic and Trans-Missouri cases and the multiplying evidences of serious consequences, if such doctrine were impartially applied, has at length convinced the court of its previous error and it is safe to predict that in the future development of the "law of reason" the Federal Courts will be largely aided by a respectful and intelligent discussion of the grave economic questions involved in the present attempt to interfere by law with the complicated mechanism of business.

The problem is a very difficult and important one. It will require, in its final solution, the statesmanship of the legislator, the judicial mind of the court, and the practical experience of the business man. The American people are not willing that all the business of the country shall be concentrated in a few hands. Upon the other hand, they are not willing to disintegrate it into individual units. Some middle ground must be found.

I have great faith that the solution, however long delayed, will ultimately lie along lines in harmony with the natural liberty of association and the expanding genius of our age.

A great and aggressive nation will not long permit itself to be confined in a legislative straitjacket inherited from the time of Queen Elizabeth. Her times were "spacious days" for literature and maritime adventure but not for human liberty. This is not the age of the wheelbarrow, or even of the locomotive. It is the age of the aeroplane, when men sweep the very eagles out of their course in midair.

The Sherman Law is an anachronism in the age of steam and electricity. Ajax defying the lightning has never impressed me with his wisdom. I much prefer the homelike but more practical spirit of a Franklin, who not only disarmed the lightning, but turned electricity to practical uses of great moment. The statesmanship of the future will consider a law, which, while forbidding in clear, positive and scientific language, the abuses of combination, will yet recognize that the spirit of association is at once the most potent and noble manifestation of present civilization.

To this end, the Trust decisions just announced will undoubtedly contribute in their clear recognition that the law is impotent to forbid all combinations which incidentally restrict competition, but the problem is, in its last analysis, legislative in character, and what is imperatively needed is a saner public sentiment, which will compel Congress to conform the laws of business to the irresistible and centripetal tendencies of steam and electricity.

JAMES M. BECK.

THE REMEDY

BY SAMUEL UNTERMYER

THE decisions mark a most important epoch in our political and economic history. They have breathed new life and vitality into the law. Even so, we are at last brought face to face with the question of whether, at this late day and after all the vast and irreparable injury has been done which the statute was intended to prevent and would have prevented if it had been honestly enforced, this law is still capable of solving the problems it was intended to meet.

The fact that it has taken us over twenty years to begin (if we really have begun) the carrying out of a solemnly enacted National policy is a self-condemnation of our ca-

pacity for government more scathing and deserved than any criticism ever passed upon us by our most malignant enemies. In all that time we have made no impression upon the evil at which the law was aimed except to see it spread and accentuated, until its baneful influence is felt in almost every department of human endeavor and has infected our entire body politic. It has been allowed to become a cancerous growth which can no longer be uprooted and eliminated without shaking the foundations of our credit and prosperity.

The most formidable of the trusts have had their birth and development under the very shadow of the law which was intended to destroy the few that then existed and to prevent and punish the creation of others.

When Congress in its great wisdom and foresight enacted this law and intrusted its administration to the executive and judicial departments of the Government, the problem could have been easily solved by the use of the effective machinery which was provided and which has proven itself to have been admirably adapted to the purpose. The law is a model of simplicity. Within its brief compass are contained four distinct, comprehensive, and independent remedies: (1) to enjoin the creation of the combination, (2) to punish for its formation or continuance, (3) to seize its property in interstate transit wherever found, and (4) to destroy and dissolve it by the judgment of the Court.

The last remedy is the most difficult and unsatisfactory and the least effective, although it is the sole remedy that has until very recently to any extent been invoked, and then only in the most unequal and spasmodic way.

Whilst these cases were under consideration by the Court, in an address delivered on January 12th, 1911, at the Annual Meeting of the National Civic Federation, entitled "Extermination *vs.* Regulation of the Trusts, Which Shall It Be?" the writer summarized the then existing situation as follows:

"Judging from the uniform trend of the decisions of that Court for the past five years, it is not unlikely that the principle announced by the lower Courts in those cases will be not only affirmed, but *emphasized in the most sweeping fashion* by our highest tribunal, and that every form of combination the *direct* purpose and effect of which is to hamper or limit competition will be condemned.

"Unfortunately for the welfare of the people, I am not, however, satisfied that the decisions will afford any substantial relief from the dangers that are threatening us or that they will either furnish or point out a practical

solution. The provisions of the judgments are drastic, but it does not follow that they are enforceable in practical operation. The companies appear to me to have nothing to fear from the result beyond possible changes in the forms of their organizations.

"The properties and business are there, they belong to the shareholders, and there is no way of confiscating them even if there were a disposition to do so, which happily there is not. The thought of disbanding the central organizations and resolving the constituent companies into their original parts presents an impossible problem. . . ."

A further study of the subject in the light of the decisions confirms the views then expressed.

From the very beginning the execution of the law was intrusted to unfriendly hands and so it has continued to this day. That is the key to all our present difficulties and to the many worse ones that are to come.

Throughout five successive administrations the enforcement of the law has been shirked, evaded, and treated with a degree of insincerity that surpasses anything of the kind in our National existence, until by reason of the long immunity and encouragement to its continued violation we are to-day confronted with the danger that because of the vast power of the offenders and the magnitude of the interests involved the task has grown beyond control, and we shall be forced to resort to other methods to supplement those that were then furnished and were at that time adequate for the purpose.

This criticism applies with equal force to the single Democratic administration as to the Republican administrations that preceded and followed it, and especially to the present administration, which is concentrating upon the "Anti-trust Department" of its marvelous Press Bureau and upon the beginning of aimless, never-ending, but utterly ineffective suits purporting to be directed against the dissolution of the offenders, all the energy that should have been directed to the prompt and genuine enforcement of the remedy by injunction and the criminal sections of the law.

During all these years there has not been a single case out of the many that have been inaugurated in which the evidence produced by the Government in the civil suits and which formed the basis of an academically successful outcome would not have been equally conclusive in a criminal prosecution or through the summary process of seizure under Section 6 of the Act.

To those who regard the recent decisions as instilling new

strength into the statute and who are so confiding as to have preserved their faith in the desire of the Government to enforce the law impartially, the semi-official announcement of the Chief Law Officer of the Government, made a few weeks ago following the decisions, that no criminal prosecutions would be considered until after the expiration of the time fixed for compliance with the decrees of the Court, will come as a surprise. To the "doubting Thomases," it may appear like a continuation of the policy of procrastination to the accompaniment of much noise and fuss and feathers and ending in nothing.

It is at least difficult to understand the relation between the dissolution of the corporation and the long delay in the enforcement of the criminal section of the statute.

It is not usual for the Government to stay criminal prosecutions whilst invoking its civil remedies, especially where, as in these cases, it may be inviting the plea of the Statute of Limitations with respect to some of the offenses charged. The Government did not find this course necessary in its recent prosecutions of the Beef Packers or in the case of the American Sugar Refining Company, in both of which it *first* brought the criminal prosecution for violation of the Anti-trust Law and followed it later with the suit for dissolution of the corporation—both of which are now pending.

Here we have two cases in which the Government has judgments of the Court dissolving the corporations whilst in the Packing and Sugar cases it has no judgment. Yet we are told that we must continue to wait. Why these discriminations? The reason assigned is a trifle obscure. Is this way of administering the Law calculated to add to the respect or confidence of the community for governmental methods?

I do not mean to imply that there should be criminal prosecutions in any of these cases at this late day in view of the encouragement and tacit assent to their legality that have been given to the formation and development of the trusts during all these years. Such of the companies as are willing in good faith and to the fullest extent of their ability to assist in executing the judgment of the Court, segregating and dissolving them, ought to be relieved from criminal prosecution under the circumstances. But there should be no such peculiar processes as have characterized the enforcement of the law.

Equally unconvincing is the assertion made by the able and distinguished Attorney-General in this same announcement, by way of apology for past inaction, to the effect that juries have been reluctant to convict and courts have been unwilling to impose prison sentences in these cases.

Have not cause and effect been rather confused in the making of these statements? If juries have been unwilling to convict or courts to impose prison sentences in the isolated instances of insignificant offenders in which prosecutions have been undertaken, was it not because of the apparent unfairness of the selection of cases for prosecution? Is it not true that the small and helpless and comparatively harmless combinations in the temporary form of pools and trade agreements were the ones thus pursued, whilst the powerful, dominating combinations that were in the permanent and most dangerous forms of consolidations were left undisturbed?

In so far as the criminal sections of the statute have been invoked it has savored of persecution. Courts and juries have rightly refused to lend themselves to the perpetration of such manifest injustice.

How could any court or jury, with the common instinct of human justice, have been expected or asked by a public officer to send these small fellows to prison when every judge and juror knew from his daily experience of the immunity from prosecution that was being extended or permitted to the big fellows?

Note, for instance, the easy frankness, cheerfulness, and unconcern with which the chief officer of the Steel Corporation has been testifying before the Senate Committee concerning the way in which prices are regulated in that industry. The only difference between the facts of that case and the pooling and trade agreements whose members have been prosecuted is that the Steel Corporation dominates the industry, it almost controls the railroad situation indirectly, and it has many ways with which most of us are familiar of compelling obedience to the "gentlemen's agreements" made with it, whilst in the other case there is no remedy against the member who breaks or repudiates the agreement, for it is recognized to be illegal and cannot be enforced by any of the parties. Yet Mr. Gary has told us nothing that we have not known for many years and that is not applicable to other businesses, for these things have been done by the

company in the open light of day with no attempt at concealment. Everybody understood that the Steel Company and the independents have for years been fixing prices.

The reason assigned by the learned Attorney-General for the continued non-enforcement of the law is more than amazing—but for one's respect for his high office it might be justly characterized as frivolous. Why not admit at once what every one familiar with the subject feels—that the Government has by its action (or non-action) in years past misled the business, financial, and investing world into the belief that they were acting within their legal rights in embarking upon these enterprises and that it is more largely than the offenders responsible for the present situation? The condition is rendered the more inexcusable by reason of the fact that whenever in the past ten or fifteen years the law has come before the Supreme Court it has been sustained and strengthened. There has at no time been any justification in the attitude of the courts for the contemptuous treatment accorded the law at the hands of the Government.

It will be time enough for our officials to complain that the enforcement of the statute is unpopular or that it is not supported by public sentiment when they have made the effort to enforce it impartially. The fact is that they are rapidly, however reluctantly, awakening to the knowledge that it is the most popular law upon our statute-books and that the people are insisting upon its vigorous and *impartial* enforcement.

With every desire to avoid injustice to the authorities having in charge the execution of the law, it is impossible to resist the conclusion that they have not been in sympathy with and were not really anxious to support the economic policy announced by the law. How can we otherwise account for the failure during all the years in which these gigantic combinations were forming to resort to the simple and comprehensive remedy of enjoining their creation by injunction as pointed out by Section 4 of the Act, or of seizing their property in transit under Section 6?

Here again the case of the Steel Corporation by way of illustration is a fair test of the justice of this criticism. Its formation was heralded for months in advance throughout the news columns of the press of the country. Formal and official notices that it was about to be launched were

published broadcast as advertisements by Messrs. J. P. Morgan & Co., who were the official bankers and promoters of the enterprise, in the newspapers, addressed to the shareholders of the constituent companies, containing the fullest details of the basis on which the stockholders were to be allowed to participate in the exchange of their securities for those of the colossal new company, with its one and a half billions of new stock-and-bond issues in addition to the hundreds of millions of underlying bonds and of floating debt of the constituent companies.

The Steel Corporation and its shareholders have a just grievance at this belated attack upon it, for its bold and astounding plan of inflation and illegality were fully and frankly exposed in all their amazing details. The organization of the company could readily have been prevented by injunction under the broad powers conferred by Section 4 of the Act in the same way in which that section was recently invoked to prevent the increase of freight rates by the railroads. But there was no crystalized public sentiment at that time against the movement. It is true that few of us quite appreciated the extent of the dangers as they have since been realized, although they had been plainly foreseen and were understood by those who had studied the problem, as is apparent from the fact that the Sherman Law had then been for eight years in existence. It is manifest that it was enacted primarily as a criminal statute to *prevent* further combinations and incidentally to rid us of the existing ones.

The creation of the Steel Corporation and of the hundreds of other combinations that were organized during that period could have been prevented by the use of this remedy by injunction or by the least sign of activity on the part of the officials charged with the execution of the law. Notice that the criminal section of the act would be applied would have been sufficient. Both of these sections—which together with Section 6 constitute the bone and sinew of the law—were left unapplied through all these years, whilst the Government contented itself with the most perfunctory, inadequate, and manifestly insincere and circuitous procedure looking to the undoing of combinations that might easily have been prevented from coming into existence.

The encouragement which the lax administration or non-administration of the law has given to the formation of

these trusts and the extent to which the Government is responsible for the distribution of their securities over the entire civilized world should rightly be considered by our courts and legislative bodies in determining how to deal with the companies. At this late day we are not foot-loose to inaugurate a policy such as might have been enforced to prevent them from being brought into existence, even though we recognize the injury they have done and are doing, and the evil and danger they constitute to our institutions.

In dealing with this vast and complex subject we should first determine whether the Sherman Law as now construed is sufficient to meet the present situation, and if not whether it should be superseded or supplemented. It may safely be assumed that neither public sentiment nor good reason would support the repeal of the law or the relaxation of any of its provisions. The only sentiment in favor of amending the law comes from those engaged in violating it.

It was inevitable that the courts would be forced to take some such construction as has now been announced. To have held that every combination that had the effect of restricting competition, however remote and indirect, was within its condemnation would have reduced the law to an economic absurdity, and have made it applicable to such a variety of proper and necessary business arrangements as to have rendered its enforcement destructive to legitimate business, and to have placed a most dangerous power of discrimination in the hands of the Government.

Every agreement or combination between business men for their protection, the purpose of which is possibly to save the parties to it from business destruction, would have been brought within the prohibition of the act. Such a construction would have led to the most grotesque results, some of which have already been realized as above stated in the few criminal prosecutions against temporary pools and trade agreements that have been "successfully" concluded.

There is no force in the contention that is being made in some quarters that the Law as now construed is too indefinite to be applied as a criminal statute. The argument advanced is, that what is or is not a reasonable restraint of trade now depends upon such a variety of conditions and is so uncertain in its definition that no criminal offense can be predicated of its violation. It is said in this connection

that intent to commit a crime which forms so essentially a part of a criminal offense will be predicated of an act when the party charged with its commission cannot know whether he had a criminal intent until so informed by a jury as a result of his trial for the crime.

The manifest answer is that we are all conclusively presumed to know the law and that convictions would only be asked in cases in which the jury could readily be satisfied that the main purpose of the combination, and that which it accomplished, was a substantial control of the particular industry so as to be able to regulate both prices and output.

Those pools, agreements, consolidations, and other forms of combination that were entered into for self-preservation or to prevent ruinous competition or to protect the small dealers against extermination by their powerful competitors, and those which in their operations demonstrated that they were not levying tribute upon the public would be in no peril. The question in each case may safely be left to the good sense and business judgment of a jury to determine, under instructions of the Court, whether upon the particular facts of that case the parties had a criminal or a lawful intent.

The one would be defined as having for its purpose the control of the industry so as to be able to regulate prices. That would necessarily be evidenced in many ways, among others by the manner of dealing with outside competition; whether competing plants were purchased and dismantled or prices arranged in certain sections of the country so as to destroy competitors and in a variety of other ways that are well known to those who have had to deal with this subject. The earmarks that distinguish the one from the other class of arrangements are not to be mistaken. There need be no fear of difficulty, with the facts before the Court, in enforcing the law so as to avoid injustice.

The criminal section has been rendered more and not less easy of enforcement by the sane construction placed upon the statute.

To those who believe in the economic policy of keeping free from restraint the arteries and channels of interstate commerce, a close study of the opinions will tend to dispel much of the misapprehension that followed the announcement of the first decision. That the Court has retraced its steps and has unsaid and undone much of what was decided in the Trans-Missouri and Joint Traffic Association cases is,

however, hardly open to discussion. No one can read the opinions in those cases and the arraignment of Mr. Justice Harlan without conceding that the logic of the argument, based on precedent, is on his side.

With all due respect to that august tribunal which the members of the Bar so justly revere, the progressive, constructive policy of which we so profoundly admire, one is at times disposed to regret that the traditions of the Court do not seem to permit that it admit its fallibility and frankly announce that it has decided to reject, overrule, or change the law laid down in its earlier decisions, when that is in fact its real purpose, instead of resorting to circumlocution and to distinctions that do not always distinguish.

Would it not be better to recognize that the law is a progressive science, possessing all the elasticity necessary to meet changed economic conditions, and that the rules of law must be formulated and applied in the light of those conditions? We may, if we please, criticise and denounce that exercise of power as judicial legislation and as being in theory lawless and dangerous and contrary to the spirit of our institutions, as Mr. Justice Harlan and other eminent jurists of that great Court have from time to time arraigned it. The fact, however, remains that the bold and at times ruthless exercise of that power has averted many a grave crisis in the history of our country which could not otherwise have been met under the limitations and imperfections of our Constitution, and has made possible the fabulous growth, expansion, and prosperity of our country.

The danger from the arrogation of such power as supplementing and developing rather than construing our Constitution is more fancied than real, more theoretical than practical, as experience has shown, for never in the history of the Court has the power been used except where the urgency was great and never in a way that has not distinctly made for progress and justice.

If the strict constructionists are to prevail, most of the insidious and dangerous crimes of modern finance would have to go unpunished and the criminal provisions of the Anti-trust Law will continue to be a dead letter.

I refer, of course, to the impediments to prosecution formerly existing by reason of the Fourth Amendment to the Constitution, prohibiting the right of search and seizure of papers, and by reason of the Fifth Amendment that no

person shall be bound to incriminate himself—which have now been removed. Under the earlier decisions and until it became manifest that the class of crimes which the law is now earnestly but not yet successfully trying to reach, could not be punished if the individual or corporation was allowed to withhold the books and papers that contained the evidences of the crime, there was no way in which the proof could be made. But when the urgency became pressing the Court met it by practically reversing the rule that had been laid down by it in United States *v.* Boyd, 116 U. S. (1) In the Al Adams case, where it affirmed the principle that even though the books and private papers of a person charged with crime were unlawfully seized in violation of his constitutional rights, the Court would close its eyes to the means employed and would allow them to be used against him. That was a departure from precedent, although the Court cited authority to sustain its position; but the changed conditions required it and they were met. (2) Later in the Sugar Trust and Tobacco Trust cases (Hale *v.* Henkel, 201 U. S.) and again within the past few weeks in the Wireless Telegraph Company case (Wilson *v.* United States) the Court denied the applicability of the constitutional amendments to individuals, officers of the corporations which were charged with crimes with respect to corporate books that were in their custody even where they contained entries of personal transactions. (3) In the case of Twining *v.* New Jersey, where it was decided that the Fourth and Fifth Amendments to the Constitution did not apply to prosecutions in the State courts under State statutes, and that a defendant charged with crime might be there compelled to testify against himself at his trial. (4) Still later and within the past few months we find the law officers of the Federal Government, with the apparent sanction of the law as now construed, inaugurating the practice of arresting individuals under indictment and simultaneously with the arrest breaking into their places of business and seizing and holding their private books and papers, as in the cases of Duveen Brothers, Sheftel, and various brokerage houses.

The last remnant of these constitutional safeguards is disappearing before our very eyes. With the limitations that are found to be in the way of the administration of justice thus removed, why hesitate at merely "moulding" or "construing" the acts of Congress so that they shall

read as they *ought* to have read rather than as they *do* read, especially when the Court is satisfied that it is impracticable to procure their amendment so as to make them workable according to the " rule of reason."

I do not want to be understood as criticising the decisions referred to that appear to change the Fourth and Fifth Amendments " in the light of reason " and expediency. On the contrary, I approve the result, but fail to appreciate the reasoning and attempts at justification that accompany the decisions. They have blazed the way for the enforcement of the criminal section of the Anti-trust Law and for the punishment of crimes more dangerous to our institutions than all the ordinary offenses combined and that must of necessity otherwise go unpunished.

When we consider the history of the enactment of the laws on this subject and the circumstances under which these provisions were inserted in our Constitution, and that the defendant was at that time barred from being a witness in his own defense, there is just ground in the interest of the punishment of the most insidious forms of crime and those most difficult of proof for welcoming the abolition of this fetish of protecting a man against incriminating himself. The innocent man no longer requires it. The guilty should not be permitted to have it.

If it were possible—which it is not *as yet* under our system of jurisprudence—I would advocate the right of the prosecution to place the defendant on the witness-stand, as in continental countries, but only in open court and in the presence of his counsel and subject to many other modifications of their system in order to protect this right against the abuses that exist there.

But we have somewhat strayed from our text in the desire to add our tribute to the Court for its broad and statesmanlike construction of the Sherman Law as against the narrow and literal reading that was pressed upon its attention and which it had adopted in its early decisions before the value and necessity of that law were fully realized.

The Court was confronted with a difficult alternative. If it adhered to the *words* as distinguished from the spirit or meaning of the act, it would have to hold that every agreement or combination that tended to restrain trade was unlawful. Such a construction would render the law unjust, unpopular, unworkable, and ridiculous.

To have attempted to enforce the law under the previously announced construction would have been tantamount to indicting a large proportion of the law-abiding business community of the country. It would have played into the hands of the interests against which it was aimed by rendering the criminal sections impossible of enforcement.

Now that the Court has, however, applied to the law the sensible meaning that it is only intended to cover a *direct* restraint of trade, its scope and justice are made apparent and it will reach the evils at which it is aimed.

It had, however, been hoped and expected that in applying this doctrine of the " rule of reason " in the construction of the statute the Court would have avoided the use of the ambiguous words " reasonable " and " unreasonable " as applied to restraints of trade and that it would have adopted the distinction that has been so ably discussed in a recent editorial in the New York *Times* between the restriction of competition and the restraint of trade. The Court might well have justified its conclusions by pointing out that the law was aimed only against the restraint of interstate trade; that it was intended to reach every form and manner of such restraint; that there is no such thing as a *reasonable* restraint of trade; that *every direct restraint put upon interstate trade is in and of itself unreasonable.*

On the other hand, every restriction of competition does not directly restrain trade. There are many wholesome restrictions of competition that have no appreciable effect on the course of trade in the sense of *directly* affecting or restraining it.

The construction now placed upon the law will render it effective, for it will be applied only against combinations whether in the form of consolidations, pools, or agreements (" gentlemen's " or otherwise) that clearly operate in *direct* restraint of interstate trade.

Those are the evils against which the Law was directed. Against those it will be applied without bringing upon the administration of justice the reproach that it is being enforced against a few whilst applicable to the great mass of business enterprise. It is to be hoped that we have seen the end of the spectacle of the Department of Justice engaging in the prosecution and punishment, as criminals, of little fellows banded together through temporary trade arrangements for self-preservation against their formidable

competitors whilst leaving undisturbed the powerful offenders against whom the law was directed.

The excuse heretofore given that every agreement, however innocent and necessary, that tended to restrain competition was in violation of law will no longer answer.

This I take to be the scope and meaning of the decisions.

Nothing more salutary, nothing better adapted to promote respect for the law, has been accomplished by this great tribunal. No greater peril was ever averted than that of rescuing the law from the contempt into which it was in danger of falling by reason of the spasmodic and unfair method in which the authorities were floundering about in their aimless efforts to make the people believe that they were enforcing the law.

Will the decisions accomplish any substantial, practical results in restoring competition between the various constituent companies that were combined and which are now sought to be separated?

With great regret, but with equal confidence, we assert that they will not.

The judgments are very comprehensive in *form*. If they were literally enforced, so far from restoring competition, their tendency would be to further cripple it by prohibiting the parent company from engaging in interstate commerce, because it will be impossible for it to comply with the decree.

As a concrete example, which would equally apply to the Steel Corporation and many of the others, let us examine for a moment the practical operation of the judgment in the Tobacco case. Following the able and illuminating recital of facts in the opinion of the learned Chief Justice, we find that beginning with the combination of the cigarette factories, continuing through the absorption of the smoking-tobacco, plug-tobacco, licorice, tinfoil, snuff, cigar, and kindred branches of the industry, ending in the amalgamation of these various branches under one vast corporate ownership through its various holding and constituent companies, at every stage factories were closed, machinery shifted, and such a transformation of property and assets effected that the reinstatement or rehabilitation of the constitutent industries as separate and independent entities is generally conceded to be impossible.

In the same way brands, trade-marks, patents, and secret processes that represented the main assets of various of the

businesses acquired have been discontinued or abandoned or have disappeared with the factories that were absorbed or have been transferred and mingled with the general fund.

But suppose the Court concludes to deal only with existing properties and assets, if that is possible. How and to whom are they to be distributed? Are the plants to be separately sold at public auction? If so, in connection with what brands or trade-marks? Is that to be arbitrarily apportioned, or are the brands to be sold independently of the factories with which they are now connected?

The control of the share capital of, let us say, the United Cigar Company, which owns the innumerable retail stores, is owned by the parent company. How are these stocks to be taken out of its control? Is the Court going to assume the task of finding a purchaser for the shares representing the ownership of these stores who will not operate them in conjunction with the factories controlled by the parent company? Hardly a likely contingency.

Are the present stockholders of the parent company to have the right to combine, through committees or otherwise, to bid on these various properties? I understand that the judgment forbids that course.

The procedure adopted in the Northern Securities case, which has been cited as a precedent for the course to be followed, here presents no analogy and offers no guide or suggestion. The holding company had there to deal only with the distribution of the shares of two constituent railway companies and a given amount of cash. It distributed the assets pro rata among its shareholders. The proceeding was exceedingly simple, and yet even in that case questions arose as between a distribution in specie and a pro rata division in which the aid of the Court had to be invoked.

Properties that were originally represented by sixty-seven companies are involved here in one way or another. It would be quite impossible within the limits of this article to convey a conception of the situation in all its manifold complications.

Suppose, however, that it were far more simple and that the parent company held in its treasury the shares of only five companies, each representing directly (which it does not) the ownership or control of the properties of a given industry—the cigarette business, the smoking-tobacco business, the plug-tobacco business, the cigar business, the foreign business, etc. It has been suggested that a distribution

by the parent company of the shares of each of these companies among the stockholders of the parent company in the proportion of their holdings in the latter would answer the purposes of the judgment by analogy to the procedure in the Northern Securities case.

But that would accomplish nothing even if it could be done (which it could not), for here the chief industries were merged by ownership into one company (the present American Tobacco Company), so that they can no longer be divided into separate ownerships by stock distribution; but if this could be done the result would be to nominally separate five monopolies that are now held under one charter, so that they will be thereafter held by the same owners and in the same proportions under five different charters. That would only give each partner five pieces of paper instead of one to represent his participation. The Cigarette Company will still have the monopoly of the cigarette business to the same extent as before. Although it would no longer be owned by the same company as owned the snuff or tinfoil industry, its domination of the cigarette industry and over the consumer would be quite as great and as objectionable as before. The same is true of the others.

But the problem is still more complicated. We have not yet begun to encounter the real difficulties. There are approximately $100,000,000 of bonds outstanding, divided into two separate issues. They constitute a debt of the parent company. They are held by the investing public and are scattered all over the world. If the bondholders can be compelled to take their money before it is due, how can the company provide the funds? If the present controlling owners are to be forbidden to buy the properties representing a given industry as an entirety and are unwilling to buy certain dismembered parts, how is the money to be secured to pay the bonds; and until they are paid how can the company move in the direction of dismemberment?

Assuming that this difficulty is overcome by the co-operation of the defendants (and that is the only way in which it can be overcome), how are the cigarette, plug-tobacco, and smoking-tobacco properties and industries to be segregated? They are not separate companies. The properties are owned directly by the parent company through a consolidation effected in 1904 between the Continental, Consolidated, and the old American Tobacco Companies. There are no stocks

of constituent companies to be distributed so far as those companies are concerned, and they constitute the bulk of the assets. They own factories, merchandise, brands, trademarks, etc., amounting to hundreds of millions of dollars, scattered all over the world.

Suppose the Court subdivides the properties into the three separate industries as they existed before the companies were consolidated, and directs that each be again organized under a separate charter and the new share capital deposited with the parent company and then distributed among its shareholders. What has then been accomplished? We have three monopolies, each owned by the same people and in the same proportions, operating separately, if you please, but in the same general interests and ownership as before. Are the stockholders in these now segregated companies to be permitted to exercise their right as stockholders to select their directors, or are they to be perpetually prevented from enjoying the prerogatives attaching to ownership? Shall we not have, in fact, the same real Boards of Directors in each of the ten companies or the same dominating factors behind "dummy" Boards so long as the companies continue to be owned by the same people?

This bare outline does not begin to summarize or to give a faint conception of the complexities inherent in the situation which the Court has undertaken to solve. We have not sought to deal (1) with the interest of the parent company in the foreign companies; (2) with the many constituent companies the shares of which are wholly or partially held by the parent company; (3) with the properties acquired directly by the present parent company since its organization in 1904; (4) with any attempt to segregate any one of the seven or more distinct industries that were consolidated with the present company either through direct ownership or stock control.

Suffice it to say that when we look into the problem of separating the constituent companies with a view of loosening the grip of the combination on any one of the industries the difficulties increase at every step.

With the genuine and hearty consent and co-operation of the defendants and of the general body of security-holders who would presumably follow them, but not otherwise, the thing becomes possible on the surface and to a very limited extent. But even then the measure of the possible relief

would be negligible. It is idle to expect much of a judgment that must depend for its efficiency upon the aid of the defendants against whom it is directed.

What, then, is likely to happen? What must happen?

When the six or eight months allowed for solving this hopeless problem have passed, is the Court going to enforce the injunction contained in the decree against the company engaging in interstate trade without pointing out a way in which it can obey the judgment? If so, the decree will in itself effect a restraint of interstate trade far greater than that accomplished by the company, besides working a confiscation of vast property interests belonging to innocent investors who had every reason to believe from the attitude of the Government that they were embarking their money in a lawful enterprise.

The final outcome is as likely as not to be that the architects of this unlawful structure will be afforded the opportunity to reap as rich a harvest out of its attempted "disintegration" as they secured from its organization, if they are so disposed, of which I do not, however, for a moment believe them capable of taking advantage.

The thing attempted to be done by this judgment simply cannot be done. The Court will of necessity be forced to temporize with the situation. Something will doubtless be accomplished with the co-operation of the company toward avoiding the *appearance* of continued monopoly. A few of the plants in each branch of the industry, or perhaps one or two branches of the entire industry, may be put through the form of sale to outside interests or of distribution through the shares, but it will be at best a mere pretext. Courts are not constituted to deal adequately with questions of this character, and should not be asked to do so.

Instead of open ownership of the constitutent branches of the industry, we shall have "community of interest" with "gentlemen's agreements" wherever continued open ownership will not be tolerated; but we shall never again have actual competition between any of the properties that were constitutent parts of the parent company, no matter how much those concerned may now desire in all sincerity to comply with the judgment of the Court.

Assuming this to be true, even to a qualified extent, the question is presented:

Is there a remedy, and what is it?

Our success in dealing with this great problem depends upon our recognizing that there is no complete remedy that will absolutely and completely rid us of the existing trusts and combinations. But there is much that may be done to correct, mitigate, and minimize the existing evil and prevent it from spreading into the industries that are not already controlled.

This, of course, involves first and foremost, but merely as a step preliminary to regulation and not as affording in and of itself a remedy, the enforced organization under the Federal law of every corporation engaged in interstate trade.

There is no reason for resorting to the temporizing measure of Federal license from doubt of the power of Congress to compel Federal incorporation. There must be complete and undivided Federal control, free from charter-tinkering and other interference by the States in order to render any scheme effective. We are unable to appreciate any force in the contention that Congress has not full power in the premises where the corporation is engaged in interstate trade. It is now axiomatic that the power to regulate commerce includes the power to control all the agencies and instrumentalities of commerce. Congress can at any time take unto itself the sole right to charter those engaged in interstate commerce.

It is time the power was taken from the States wherever possible in any event. In the fierce and undignified competition between them for the privilege of granting unrestricted license to prey upon their sister States to corporations which conduct no business within their borders and with which they have no concern, they have so relaxed the safeguards surrounding the issue of corporate securities and have granted such extraordinary and unjustified powers that it has long since become and is a national scandal. The stability of investments and the good name of the nation require the restriction and regulation of corporate powers and uniformity in the form of charters.

The prohibition of the holding company and the protection of the rights of minority stockholders through compulsory cumulative voting and other safeguards are among the urgent reforms that may be incidentally accomplished through a National Incorporation Law. Corporations should never have been allowed to own the stocks of other corpora-

tions. It is only in recent years that any such improper privilege has been accorded them. It is an outcome of the charter trafficking referred to and has been the prolific source of innumerable swindles that are being constantly perpetrated upon minority stockholders.

It is to this abuse that we owe the existence of our most powerful trusts. Through it the pressure has been brought to bear on the helpless minority stockholder to part with his securities at the price fixed by the holder of the majority.

The character of the laws enacted in recent years in the various States creating short Statutes of Limitations in favor of corporate wrongdoers against their stockholders, and otherwise legislating stockholders out of remedies that would otherwise now be open to them for wrongs inflicted by promoters, and controlling interests in corporations makes it necessary that there be restriction and uniformity and greater caution in legislation affecting corporations.

The next step in the process of regulating this subject would be the creation of a Court or Commission similar in its powers over industrial corporations engaged in interstate trade to those of the Interstate Commerce Commission over railroads, giving to that tribunal the power to restrict prices, to permit and approve temporary trade agreements that would be enforcible in the courts similar to those that exist in Germany, Austria, and France.

The writer begs to repeat in this connection the recommendations suggested by him on this subject in the address above referred to on January 12th, 1911, as follows:

"*Rigid regulation under Federal Law is the only just solution.*

"It is possible and practicable and would do away with the grave existing evils which are constantly becoming more serious. As substantially all the combinations that affect the public welfare are engaged in Interstate or International Commerce within the enlarged definition of those terms under recent adjudications, there could be no serious question of the Constitutional right of the Federal Government to regulate and control their activities by a Federal license, if not by a Federal incorporation. Such regulation would, however, in order to be effective have to take a very much wider scope than has yet been suggested. . . .

"Such regulation must include as its most essential feature the power to prohibit by summary process all business oppression and other unfair methods and *particularly the exaction of excessive profits. This involves the power to limit the prices* that may be charged for any commodity beyond a fair profit. . . .

"The practical difficulties of regulating prices to the extent indicated are more imaginary than real.

"*The proposition has never had a hearing.* Wherever any notice whatever has been taken of it the subject has been almost impatiently dismissed, although other countries whose judgment on economic questions is entitled to our respect have adopted the plan and find it practicable.

"The problem, though beset with difficulties, is one that we must solve. I therefore appeal for an approach to its discussion with an open mind.

"When we come to analyze the subject we find that the task is not nearly so complicated as that of framing a tariff, which must presumably take into account not only the cost of production in this country, but also such cost as compared with costs in one or more foreign countries. It is surely not nearly so complicated as will be the duty of the proposed Tariff Commission, which is expected to undertake a scientific study of and report upon the domestic and foreign costs of every known commodity."

It is not suggested that this system shall supersede the enforcement of remedies or penalties under the Anti-trust Law. They should, on the contrary, be merely complementary and supplementary to that Law. When a judgment is rendered against an existing offender it is proposed that it should be the province of the commission thus constituted to determine the manner in which the judgment shall be executed. If, after doing away with the violations, so far as this can be accomplished to the satisfaction of the commission, the offending corporation continues to be engaged in interstate commerce its future operations would be subject to the direction of this commission.

The effective cry that has been raised by the powerful advocates of so-called "business co-operation" and "community of interest," and the one argument that has been pressed upon the students of the economic problem, has been that the only alternative is ruinous competition, and that this is not to the interest of any country.

Of the two evils, ruinous competition is the less disastrous. If the alternative is between the two and the trusts are to be uncontrolled, the people will not hesitate to accept the former.

But is it true that this is the alternative? We venture to suggest that it is not. The Sherman Law may be enforced to prevent future combinations in direct restraint of trade, the courts may do what they can toward dissolving and curbing the existing violations, and we may still, through national regulation of the agencies of interstate trade, develop a system that will ameliorate the harshness of competition, permit of co-operation, and secure reasonable profits with full justice to the public if this subject can

be taken out of the realm of partisan politics and dealt with on broad, economic, statesman-like lines.

This may be partly accomplished through pooling or trade agreements between the members of a given industry, regulating prices and production between them—subject to the approval of the national commission or tribunal to be created, somewhat after the general scheme of the German Potash Law of May, 1910.

It would not be necessary to amend or take away from the Sherman Law in order to reach this result by independent legislation. The law creating the commission would provide that no agreement or combination in direct restraint of interstate trade should be sanctioned, and that all agreements thus permitted would be held to be in reasonable restriction of competition and as not in direct restraint of trade.

The commission would necessarily determine the extent to which production might be curtailed and the maximum prices permitted to be charged, which would be subject to change from time to time in its discretion. Any corporation desiring to acquire the business of a competitor would be required to secure the permission of the commission, which would be granted where it appeared that there were legitimate business reasons to support the application and that no direct restraint of trade was involved.

In like manner every contract accompanying a sale by an individual or corporation engaged in interstate commerce of the good-will of his business which restricted him from engaging in competing business should receive the approval of the commission in order to be enforcible.

There would be many great and manifest advantages to the public in sanctioning these kartels, or trade arrangements; among others (1) the permission thus given would involve each owner retaining his own property; (2) it would destroy one of the incentives and the only plausible pretext for trusts and consolidations in the form of a single ownership; (3) inflated stock issues, oppression of competitors, closing of factories, and all the greatest of the evils incident to concentrated ownership in the form of a trust or consolidation would be avoided by permitting these agreements. There would no longer be an excuse for their existence. Such a system would also do away with the most cruel of all kinds of competition—that which is resorted to for the purpose of forcing the weaker competitor to choose between

facing ruin and selling his property to his stronger rival on the latter's terms.

Under this arrangement the stronger man would know that he could not acquire his weaker competitor except with the assent of the commission, and that this would not be accorded if the situation were brought about by unlawful or oppressive methods.

None of the oppressive expedients to crush competition that are resorted to where the former competing interests have been firmly and indissolubly banded together would characterize the operation of these pools or trade agreements for the plain reason that the interests of the parties are not permanent or identical. They are still competitors, subject to certain restricted interests in common. Each party to the arrangement operates his own factory at his own risk and for his own benefit. The agreement is limited as to time. They may resume open and unrestricted competition upon the termination of the agreement. They cannot afford to exchange trade secrets or to go into co-operative schemes to cripple outside competition, even if they were permitted to do so. On all these points their methods and operations would be in marked contrast with those of trusts and consolidations where there is a single, permanent ownership with all the concentrated power and unity of interest involved.

The proposed remedy may be summarized as follows:

(1) The compulsory Federal incorporation of all corporations engaged in trade or commerce between the States or with foreign countries.

(2) The creation of a commission similar in its powers over business corporations to those now possessed by the Interstate Commerce Commission over railroads and the utilization in that connection, so far as possible, of the present Commerce Court.

(3) That this commission pass upon the right of every applicant for a Federal charter, and that where violations of law exist which would prevent the granting of such a charter such violations should be first removed.

(4) That the commission have power to authorize and approve agreements that will be enforcible in the courts in the form of pools, kartels, or syndicate arrangements for regulating competition in any industry, provided such agreement does not have the effect of unreasonably restricting

competition or of operating as a direct restraint of trade; that in that connection it be empowered from time to time to determine the extent to which prices may be fixed or production restricted, and particularly to prevent any interference by the parties to the agreement with outside competition.

(5) That the Sherman Anti-trust Law be enforced against existing offenders, and that the execution of the details of the judgment be intrusted to the commission, subject wherever necessary by reason of constitutional limitations to the approval by the Court and the adoption by the latter of the findings of the commission.

(6) That (*a*) the criminal section of the Anti-trust Law, (*b*) the provisions allowing an injunction against the creation or continuance of violations, and (*c*) the provisions for the summary seizure and confiscation under Section 6 of all property in interstate transit of any corporation operating in violation of the statute be rigidly enforced.

With such a programme and an administration in sympathy with it, and with the energy and ability necessary to carry it out, every existing violation of the law would soon be corrected so far as that would be possible, and we would have a consistent, workable plan instead of the present intolerable condition; floundering and insincere on the part of the administration and chaotic from the point of view of the business community.

It is hoped that the pending agitation will continue with all the light that can be had from every direction until the necessary reforms are embodied in constructive legislation that will remove this question from the domain of party strife. Its early solution is too essential to the general welfare to be made the football of political contentions and ambitions.

The Congressional investigations now under way will assist in educating the people to an understanding of the peril and urgency of the situation. The testimony taken at the future sessions of the Committee of Inquiry into the Steel Corporation (which has not yet scratched the surface and from which it would appear that the investigators are thus far uninformed as to the important facts concerning the organization of the company) has already keenly aroused public curiosity. The huge sums involved and the dramatic human interest attaching to the chief actors in the boldest

and most gigantic financial and industrial operation that the world has ever known are bound to hold public attention.

It is important that the investigation shall be thorough and that the reports of the testimony as distributed shall be comprehensive and free from bias, color and influence (no easy task in these days). The Committee should not be compelled to rely upon the accountants and experts of the corporation. It should be furnished its own experts and accountants and all the assistants necessary for an exhaustive inquiry.

The uniform record of the corporation from the beginning has been one of entire frankness and of the fullest publicity in dealing both with the public and with its shareholders. In that respect its conduct has been a wholesome object-lesson to the trusts and corporations that had been operating in the dark as blind pools and had been for years permitted to do so, to the amazement of every other civilized country.

The example of the Steel Company more than any other factor forced the abandonment of these "dark-lantern" methods of finance. For that service the country owes it a great debt of gratitude, for its power is so great that no such concession, however just or necessary, could have been wrested from it by the Law; whilst the Stock Exchange, which is responsible for its securities, has ever been a willing servant of the interests that dominate the trust.

Judging, therefore, by the praiseworthy past record of the Steel Company, the Committee is justified in expecting every aid. We should thus learn of the community and identity of interest and control between the Company and its dominating owners and Directors on the one hand and (1) the Railroads of the Country; (2) the great Banks, Trust Companies, and Life Insurance Companies, with their billions of dollars of other people's money, and all that this means; (3) the inexhaustible reserves of iron ores that the Company owns, and which together with its railroad and financial connections places many of the so-called "independents" at its mercy.

In the last analysis it will be found that the peril to the country from these vast accumulations of wealth and power has been greatly underestimated.

Without stopping to criticise the way in which this new-found power, so fearful in its potentialities for evil and oppression that the brain fairly reels at the effort to realize it, has been or is being exercised, we are confronted with the

problem of how to encompass its destruction and to prevent its recurrence. It may be conceded for the sake of argument that the power now happily rests in the safest possible hands with the highest sense of responsibility to the State—a benign, well-meaning, public-spirited monarch of the financial destinies of the Nation, if you please, although there are conflicting opinions as to his disinterestedness and public spirit.

But a monarch none the less, and not even a constitutional one at that, for he confessedly has all the power of a despot to make or destroy. How long will we patiently contemplate or tolerate the possibilities of such a condition of vassalage, no matter what may be the present realities? No one can say how soon the power may drift into more ambitious and less scrupulous hands. It is incredible and intolerable that it should rest with any one man or group of men by a word to make and unmake men who have no relations with them, to close banks and trust companies, precipitate and avert and compose panics in the financial world, control the security and commodity markets, dominate the railroad and industrial world so that by a word the channels of credit are dried up and shrivelled as if by magic against any individual or enterprise whose property he may covet or that it is his will to destroy.

The picture is not exaggerated. If anything it is understated, for there is a brotherhood of self-interest between this modern King of finance and all that serve under him in the same cause that welds them together as one, regardless of personal ambitions, jealousies, and enmities.

Whenever in the past our country has faced a great crisis the man to meet it has been found among us. Let us hope that we shall now find the constructive statesman and patriot to rid us of this fatal blight and put in its place a healthy industrial and financial freedom under which we may live and prosper. We need him now. His first work will be to lead us safely out of the clutches of the Trusts that with our aid and encouragement have been fastened upon us and have kept us all these years in their grip. That accomplishment will be the best and highest test of his statesmanship. The rest will be easy.

SAMUEL UNTERMYER.

THE POETRY OF THOMAS HARDY

BY ALFRED NOYES

THOSE who have read the novels of Thomas Hardy might —especially such novels as *The Return of the Native*—have always known that he was a great poet, without regard to the medium in which the gods or the "Immanent Will" might lead him to work. Those who have had the privilege of hearing him speak of his aims know that poetry, moving properly in meter (just as the Universe with its tides and stars and human pulses moves in meter), lies nearest to his heart. And those who are really abreast of the achievements in poetry during the last fifty years are also aware that Mr. Hardy's poem, "The Darkling Thrush," is a lyric of rugged strength, that peculiar strength which comes from understatement and the sense of something in reserve; a lyric of such pathos and beauty as can be compared with the best that has ever been done in our great lyrical language; and that is to say one of the finest lyrics in the world. From the first lines, "I leant upon a coppice gate when Frost was specter gray," and the suggestive imagery wherewith the lovely landscape, with its tangled vine stems scoring the sky "like strings from broken lyres," to the restrained and intense rapture of the close, the poem bears upon it the stamp of a truth and sincerity beyond praise.

"The land's sharp features seemed to be
The Century's corpse outleant,
His crypt the cloudy canopy,
The wind his death-lament.
The ancient pulse of germ and birth
Was shrunken hard and dry,
And every spirit upon earth
Seemed fervourless as I.

"At once a voice rang forth among
The bleak twigs overhead
In a full-hearted even-song
Of joy illimited;

An aged thrush, frail, gaunt, and small,
In blast-beruffled plume,
Had chosen thus to fling his soul
Upon the growing gloom.

"So little cause for carolings
Of such ecstatic sound
Was written on terrestrial things
Afar or nigh around,
That I could think there trembled through
His happy good-night air
Some blessed hope whereof he knew
And I was unaware."

The quaint human touch—so characteristic of this poet—whereby "winter's dregs made desolate the weakening eye of day" leads on with cumulative effect to the broader symbolism of the first stanza quoted above, in which the landscape represents the vast intellectual and spiritual period that closed with the nineteenth century. But there is none of that overemphasis of the twofold significance with which too many modern poets are apt to falsify both the symbol and the thing symbolized. There is just that touch — and no more — which gives the poem solidity and depth; and when it reaches the ecstatic climax of the song of the thrush justifies the ecstasy with thoughts beyond the reaches of our souls. By sinking the century into the landscape the poet is enabled to bring a fleeting glimpse of heaven before us in the song of the bird, and the whole poem is flooded with "the light that never was on sea or land." It is a lyric that, read once, may be forgotten. Read three times, it will haunt the reader's memory as long as pain and death retain any meaning for him. For those, too, who had come to regard the mind of Thomas Hardy as something like the wintry landscape of his poem the sudden rapturous song of the "aged thrush, frail, gaunt, and small, in blast-beruffled plume," must seem almost to symbolize the divinest quality of that mind, the quality which came to many as a similarly sudden surprise when our profoundest pessimist betook himself to poetry pure and simple. In that unexpected note which trembles also with some strange hope through the "Chorus of the Pities" at the end of *The Dynasts,* that epic of gloom and blood and world anguish, is there not something far nearer to the fount of tears than any poet less sincere could give us? We are used to so much poetic tinsel nowadays that one

may clutch with something like passion at the hem of the gray garment of Hope which Mr. Hardy displays passing through that final dream of his titanic drama.

When the first two parts of *The Dynasts* appeared there was a general disposition among critics to "hum" and "ha." "The furtive yelp of the masked and writhing poeticule"—as another Victorian poet exuberantly described it—did not fail, however, to testify to the real greatness of the strange intruder. The method of these critics was the usual one—an ancient method and a very rampant one in the eighteenth century, as the protests of Coleridge testify—namely, that of quoting a few detached lines like,

"That dignified and pensive gentleman,"

and plaintively inquiring if this were poetry, and if Mr. Hardy had not better return to his novels; for Mr. X and Mr. Y could both of them show him several tricks of improving verse so blank. These critics—and they are always with us—had not only forgotten their Shakespeare and his methods; they had also—and in this case it is more important—forgotten their Goethe; and they were displaying complete ignorance of the first principles of criticism. It may not be out of place here to comment on this matter, for it is one of the most widely misunderstood points in connection with the right appreciation of poetry.

It is difficult to fathom the stupidity which can assume that a writer like Hardy in a line like,

"That dignified and pensive gentleman,"

is really aiming at the beauty of the "Ode on a Grecian Urn." Over and over again Hardy has proved his sense of beauty. But even if he had not, he is—beyond all dispute—one of the foremost men of letters of our time. Yet critic after critic could calmly assume that the line quoted above was the result of a deliberate effort by this brilliant man of letters to write a single line of independent metrical beauty such as,

"In cradle of the rude imperious surge."

There is surely not an educated man in the world who could not better the attempt if that were really so, for in every detail the line looks like a deliberate attempt to write as ludicrously prosaic a verse as FitzGerald's,

"A Mr. Williamson, a clergyman."

There is not an educated foreigner who, with only a smattering of English and the help of a dictionary, could not better it. And yet such an assumption is, over and over again, the fundamental assumption of a certain kind of English criticism. It is as if an amateur chess-player playing with Paul Morphy were to assume that his opponent's first unusual move was a disastrous mistake, and without examination of the general scheme of the game were thereupon to announce "mate" in three moves. Self-stultification could not be more complete. Yet Shakespeare—and Hamlet in his remarks to Polonius would surely give this method of criticism some food for thought—is almost the only great poet who has escaped this folly, and even he has not escaped scatheless. It is not only the obscure critic who resorts to it, but it is even the critic of eminence—as Christopher North with his "This will never do" to Wordsworth's magnificent "Cathedral of Song"; and it manifests itself in the realms of all the other arts. Whistler, without reference to his aims, was assumed to be failing to attain what any boy with his first paint-box might attain with ease.

The publication of the third part of *The Dynasts,* however, brought the amateur chess-players of criticism to a graver frame of mind with regard to the soundness of their own position, and the work has begun to take its place as one of the greatest poems of modern times. It has, though on a much larger scale, all the great qualities of Mr. Hardy's novels—their structural perfection, as of organic architecture, their scientific precision and lucidity, their biting irony, their symbolism, and their extraordinary power of conveying a vast sense of movement, whether of heather on a lonely wind-swept moor, of armies, or of the starry heavens. Any one reading it rightly will secure a vast panoramic view of the whole period of the Napoleonic wars, with all the ramifications of its politics, the private intrigues of its statesmen, the public debates, the fashionable assemblies, and the life of people in country districts where the tidal world movements broke only in ripples. Never before in literature has so vast a field been presented so simply and completely and originally. For the work is so marvelously perfect in structure, the parts are all so finely related to the whole, that one seems to survey the whole simultaneously. But the work must be read consecutively or the wonder of it will elude the reader.

For instance, if one reads, at the end of the first Act of Part III, the following dialogue between Napoleon (who has just returned from his Moscow disaster) and Marie Louise one may think the verse very blank indeed:

Napoleon:

"I intend,
Also to gild the dome of the Invalides
In best gold leaf, and on a novel pattern."

Marie Louise:

"To gild the dome, dear? Why?"

Napoleon:

"To give them things
To think about. . . . So they'll forget
The woes of Moscow."

And when the scene is closed by the announcement of supper the desultory reader may suffer disappointment. Yet if any properly qualified reader takes the whole Act as it stands, he will begin to think it only possible to a poet who combines in himself the peculiar powers of a Dante, a Goethe, and a Voltaire—with, perhaps, a dash of Gibbon—but with all these powers in perfect unity and harmony. For the scene just quoted follows immediately on another, of merciless winter in Lithuania, where Napoleon's soldiers are told that their leader has deserted them.

"It is growing dark, though nothing distinguishes where the sun sets. There is no sound except that of a shuffling of feet in the direction of a bivouac. Here are gathered tattered men like skeletons. Their noses and ears are frost-bitten, and pus is oozing from their eyes. These stricken shades, in a limbo of gloom, are among the last survivors of the French army. . . . One squad, plowing through snow above their knees and with icicles dangling from their hair that clink like glass lustres as they walk, . . . bring back boughs and contrive to light a fire. With swords they cut rashers from a dead horse, using gunpowder for salt to eat them with. Two others return with a dead rat and some candle-ends. . . .

A straggler enters.

First Soldier (dazed):

"What—gone, do you say? Gone?"

A scene of despairing madness follows till they are exhausted, and once more crouch hopelessly around the fire.

In the morning the Russians arrive and find them still sitting there.

Kutuzof:

"Go, stir them up. We slay not sleeping men."

Russian Officer:

"Prince, here's a curious picture. They are dead."

Kutuzof (with indifference):

"Oh, naturally. After the snow was down
I marked a sharpening of the air last night.
We shall be stumbling on such frost-baked meats
Most of the way to Wilna."

Officer (examining the bodies):

"They all sit
As they were living still, but stiff as horns;
And even the color has not left their cheeks,
Whereon the tears remain in strings of ice.
It was a marvel they were not consumed:
Their clothes are cindered by the fire in front,
While at their back the frost has caked them hard."

(Exeunt Kutuzof, his staff, and the detachment of horse in the direction of Wilna; and with the advance of day the snow resumes its fall, slowly burying the dead bivouackers.)

That scene surely throws a new light on Napoleon's supper, and transfuses the frivolous verses of his conversation with a vitriolic irony. The passage of verse italicised above is in its burning depth of bitterness only to be compared with certain passages of Dante's "Inferno." The verse of Hardy is not to be estimated by "quirks and turns" within the line. It is altogether a larger matter. "Prince, here's a curious picture," taken by itself might not rise to the standard of a minor critic. Taken as the utterances of the characters in "Hamlet" are taken, as notes in a great symphony that can only be fully realized in the organic whole, they grip the heart and intellect with their grim conviction.

From beginning to end the poetry of Thomas Hardy is the very voice of pessimism, but it is the pessimism of Shakespeare's tragedies, a pessimism so profound that it goes down to the depths where construction begins. The motto of it might be, "Life's a poor player!" With the Book of Ecclesiastes it would cry, "All is vanity!" and with Job it would sometimes be tempted to curse the Omnipotent Dramatist and die; but what it really does is to find the connections, links, harmonies, ironic harmonies, per-

haps, but still harmonies, between one detail of the world and another. For that is the whole business of art. It finds meanings, bitter meanings apparently and primarily, but still meanings, in the meaningless. It finds in the chaotic a little order, rhythm, and music; and this, so far as it goes, is—as the very name of poetry implies—not destructive, but constructive. Let the pessimist give us the stage and the poor players — Time's Laughing-Stocks — and the soul of man will flash to the Dramatist. To put the matter in its simplest form, we must have All or Nothing for an answer when we ask what lies behind the scenes of the Universe. The poetry of Thomas Hardy does not give us "Nothing" as the answer. Let us have two phrases, as in merely the title of his book, *Time's Laughing-Stocks,* phrases whose connection is based on an artistic, even if ironic, harmony; and we have all the basis for a constructive philosophy that the wildest optimist can desire. For there is then no limit to their logical consequences, no limit to the modulations of the intellectual music we can build upon them, in every direction, outward, downward, and upward. They are, necessarily, logically, fragments of an infinite symphony ranging from hell to heaven. They are organic. The Spirit of Life is in them with its infinite possibilities; and where that Spirit possesses a work of art the work, however small, is like the five loaves and two small fishes of the miracle. A multitude may be fed by it, and we may fill many baskets with the fragments that are left over. Destructive poetry is a contradiction in terms. The tragedies of Shakespeare are not gospels of annihilation emitted in a fundamentally meaningless harmony from the baseless brain of an Accident from Nowhere. The content and import of a work of art are not to be weighed in the same way as those of a philosophic system or a work of science. The cry of Macbeth, "Out! out! brief candle!" is not to be taken as a cold scientific statement of the meaninglessness of human life. Our fathers understood this when they set the Book of Ecclesiastes before their passionate Gospel. When Shakespeare wrote, "Life's a poor player that struts and frets his hour upon the stage," the words contained more than a negation. They have passion, pain, and, most important of all, they have profound inner harmonies. Tragedy is not merely negation. It is a sloughing off of the Temporal for the Eternal. What infinities of respiration are involved in those two

words—" his hour "! There is a positive, a constructive, element in such poetry which goes to swell the cry of Calvary, " Why hast Thou forsaken Me?"

There is no sublimity in the death of an insubstantial toad under an accidental and nonsensical harrow which arose from Nowhere out of Nothing. But there is sublimity in the dying cry of Hamlet to the friend who would fain have followed him, " Absent thee from felicity awhile "—a cry which, in its implied idea of sacrifice, contains almost the whole fundamental dogma of Christianity. Well might that friend of Hamlet be caught up by the surrounding orchestra of the universe at that moment, and continue the great symphonic movement with his own faltering voice over the dead body: " Good-night, sweet Prince! And flights of angels sing thee to thy rest."

In the poetry of Thomas Hardy, as in the grave-diggers' scene in " Hamlet," we are shown the skull beneath the face of beauty and reminded of it with remorseless power. But the same may be said of the Hebrew prophets. If Hardy sees men as insects crawling over their little ball of dust, he is only able to do this because, as a poet, he himself can soar high enough. It is the soul of one of these same men that embraces so vast a field. It is the soul of one of these same men which knocks thus at the doors of Eternity.

We have spoken above of the way in which he takes two or three details, disconnected to the merely philosophic or, at any rate, to the merely scientific eye, and establishes an artistic harmony, a connection, even if ironic, between them. A good example of this is the remarkable poem entitled " The Two Rosalinds." It is the story of a man who enters a theater where—forty years ago—he had seen a beautiful Rosalind. He enters, wishing to see the old vision, but the new Rosalind disappoints him. As he comes out he is confronted by a miserable old hag hawking the words of the play: " So you don't like her, sir?" said she. " Ah, I was once that Rosalind! Now, some forty years ago I used to say, ' Come, woo me, woo me!' " and she struck the attitude:

> " Clear as noon
> My Rosalind was here. . . . Thereon the band withinside lightly
> Beat up a merry tune."

Now the connection between that merry tune and the ghastly discovery, together with all the other little ironic harmonies that are so deliberately drawn out of the situa-

tion, refuses to give up its secret to science. But it is obvious that it is full of the deepest significance to the poet, a significance that would only be fully rendered by a symphony that should sum up the whole universe. It is only the resultant voice of the whole that can give us the whole truth. So that even here we may think that there trembles, through all that bitterness, some " blessed hope " whereof we are unaware. For great art does not need to be " aware " of these things any more than it needs a definite " moral " to its stories. The poetry of Thomas Hardy is meat for the strong; but so is the Book of Ecclesiastes, and the " pessimism " of both is so profound that it postulates without affirming a passionate gospel. For there is one reality that they leave us—the grim reality of infinite passion, infinite pain; and infinite compassion, too. The starving thrush of *Time's Laughing-Stocks* demands, like the caged red-breast of Blake, an enraged heaven. This poet strikes notes—pessimist though he may even think himself to be—which demand only one answer from the symphonic whole—" not one of these shall fall to the ground without your Father." Negation may be swept aside at once. The superficial pessimist is necessarily wrong, for he says that last word which no man can say or can ever say. Amid all our talk of " progress," mankind cannot, without self-stultification, acquiesce in a theory of a universe based on Nothing and ending in Nothing, or even in one which involves—at any stage, no matter how distant in time—the proceeding of the greater from the less, of the conscious and loving from the less than conscious. Logically, Hardy realizes this, and speaks here and there of a Something that is more than " conscious " and above " love "; but the human imagination is bound by its own limits, and in refusing to allow its own highest attributes to the Power behind the Universe it necessarily runs the risk of allowing merely mechanical attributes. This is the one flaw in the philosophical system of Thomas Hardy considered apart from its artistic import. In refusing to lessen the Highest by a lofty yet humble anthropomorphism he too often seems to set The Eternal lower than the brutes by reason of its mechanical aloofness; and lower the things mechanical by reason of its brutality. But this flaw is merely in his philosophical armor. It does not affect the artistic values of his work of which he himself may philosophically be " un-

aware." He is to be thanked for bringing our optimism face to face with those grim realities which the religion of the future (and if mankind be in earnest about itself some religion it needs now more than ever, and needs passionately) will once more have to embrace. "In poetry," said Matthew Arnold, "our race will come to find an ever surer and surer stay," for the inevitable answer of poetry to the question of All or Nothing is—All.

Great art establishes for us the hidden harmonies of the universe and reveals our membership of the whole divine body, linking details which science cannot ever get into the same field of vision, linking the shriveled moth with the wheeling stars and the passion of the Godhead. There is no gap in the scheme of things for the great artist in his infinite field any more than for the scientist in his finite field. The poet cannot pluck a flower "without troubling of a star." There is no severance, nothing but unity. If the Omnipotent Creator dies into immortal life with the meanest of His dying creatures a fuller light is thrown upon the poem of "The Darkling Thrush," a more triumphant passion throbs with a deeper significance in the throat of Blake's caged bird. Without it, what a futile mockery it is — to be "unaware" of something that is non-existent! But that fuller light of vision is not a different or contradictory light. It is only for these poems the logical completion of their own music, which demanded that fulfilment, led up to it, step by step, with mathematical precision, and can set no limit to its progress and its hope, and can never say "the last word." But to arrive at that climbing and building music, to arrive at the first postulate on which that music is based, we have to clear away the cant and falsehood and all the colored lights of illusion which perplex the modern artist. We have to avoid mistaking fen-fires for the stars. This poet of pessimism makes short work of illusions, and, as we have said, goes to the depths where construction—unless the impossible last word has been said —begins.

Alfred Noyes.

IS JUDAISM NECESSARY TO-DAY?

BY ABRAM S. ISAACS.

A FEW months ago two friends were discussing the subject of the various religions; the one a Presbyterian, a lawyer by profession; the other an Israelite, a physician of repute. In the course of the conversation the lawyer was asked his opinion of Judaism. "To tell you frankly," the reply came, without any hesitation, "I regard it as entirely unnecessary to-day. The world can get along without it. Its work ended long ago. All that is good and useful in it has been utilized by other creeds." When he was further questioned to account for its survival he rejoined: "Why, it is purely an arrested development, interesting as an archæological study, that is all. Of course I admit that I have met very few Jews and have read little, if anything, about their religion or history."

There is nothing exceptional or exaggerated in this statement. The *Ilium fuit* argument applied to Judaism, the view that it is essentially an anachronism in the currents of these later centuries and in an atmosphere of Yankee notions, is by no means rare. If it is not more frequently expressed, possibly out of motives of delicacy, it is held none the less tenaciously. Judaism's work is closed, so it is asserted, sagely; it has no further *raison d'être*. If now and then a Jew does appear on the world's stage and competes for recognition he is as superfluous as would be an old-time Etruscan. He can tell us nothing new. And as for his religion, his rites, customs, ceremonies, his doctrines and literature, why, that is merely for the museum of antiquities along with other theological pterodactyls. This is not the Mesozoic age—who wishes to breathe again the Judean atmosphere?

That Judaism should be regarded as unnecessary is due

mainly to two special causes. The first springs from the density of popular ignorance. When Marlowe pictured Barabbas as poisoner of wells, he was merely giving the popular idea of a Jew. When Shakespeare symbolized in Shylock the spirit of revenge as the Jew's chief characteristic he was also presenting the current notion—any figure like Nathan the Wise or Daniel Deronda, if at all thinkable in that era, would have been hooted from the stage. With the ages, naturally, there has been a gratifying improvement in the popular conception, despite the cheap vaudeville and the vulgar comic weekly; but how absurd and untrue the caricature that still prevails! How can it be otherwise? Greece and Rome find a conspicuous place in the school text-book—the history of the Jew is limited to a few pages, ending with the destruction of Jerusalem by Titus, when two thousand years of wandering through the world's *Via dolorosa,* a record thrilling, eventful, of far-reaching consequences, receives absolutely no mention. In standard works on education Judaism is considered a negligible quantity, although long before the medieval schoolmasters the rabbis were teachers of what in large measure might be called the new education. In pretentious volumes on the history of religions Judaism, if discussed at all, is restricted practically to the era of the Old Testament, all later developments being omitted as without historic significance. In a recently issued work, devoted to what has been done in the United States for the year, all sects and creeds being duly chronicled, no provision was made in the schedule for American Judaism, with two million adherents, so unnecessary did it appear.

When the scholar, the theologian, the historian, who certainly should foster the broadest ideals, are satisfied with partial knowledge and unjust discrimination, what wonder that the people continue in their ignorance. The average pulpit, the teacher of the multitude, presents the Jew without flesh and blood, a mere ghostly shadow of the centuries between the Testaments, an unsubstantial echo of a far-away epoch. That popular ignorance is the favorite soil for antipathies, social and religious, cannot be disputed. Hence when the scholar underrates or ignores Judaism as a living factor in the world's betterment, a force to be reckoned with in the history of civilization, he is but forging a link in the chain of prejudice, with its hateful consequences. Happily,

there are scholars not a few who rise above such colossal ignorance and are proud to exclaim with Barthelemy Saint Hilaire in Senator Millaud's "*Petites Pages*," "Never conquered, always erect, as courageous as it is resigned, Israel shines in the world like a torch throughout the ages."

The second contributing factor to present-day ignorance of Judaism has been the Jew himself. While not primarily responsible for the medieval Ghetto into which he was cast like a hunted criminal, he is at fault if in lands that assure him civil and religious freedom he retains a trace of the Ghetto spirit, any aloofness or exclusiveness, any peculiarity or attitude that may single him out as an alien for which his religion and not his personal idiosyncrasies is blamed. It is possible, however, to be too exacting in this connection—it takes time to abandon habits bred by centuries of oppression. The truly representative Israelite knows how to discriminate between essentials and non-essentials in his creed and practise, and, save in the synagogue, is indistinguishable in character, motive, appearance, manner from his neighbor who goes to church. A man or woman of that type enters zealously into the life of the general community, promotes the public welfare, is a useful citizen of the commonwealth, whose highest interest he makes his own. If he strives to advance art, music, science, education, benevolence, no question of creed is considered. His Americanism, his patriotic fervor, is a vital part of his religion. Men like Haym Solomon, who sacrificed his fortune for the American cause in the darkest period of the Revolution with a reckless disregard for collateral which no financier of our time would dream of imitating; or Judah Touro, who fought at New Orleans under Jackson and devoted his wealth in public and private beneficence; or Julius Hallgarten, whose large bequests went to education without regard to race, creed and color, not to allude to the rapidly increasing list of men and women who identify themselves with public movements without, however, neglecting the appealing cry of their needy brethren in the flesh — such examples are shining texts which rob popular prejudice of much of its sting. But many have still to discriminate between substance and shadow, reality and counterfeit, in their ancestral religion and its traditions, which have become so closely intermingled that more than ordinary heroism is required to cut the knot. Until they have learned the lesson, and have aban-

doned their voluntary Ghetto, with its narrowness and conceit, they have largely to blame themselves for such ignorance and antipathy as are encountered.

Now waiving further consideration of the two factors that are mainly responsible for current notions as to Judaism, let us briefly consider what are the qualities in a religion which make it necessary to-day. Let us ignore for the moment theological claims and assumptions that are to be met in the history of all creeds and which are possibly the secret of their weakness as well as their strength. Let us give precedence rather to the positive and practical elements.

A religion must first be rational—it must appeal to the reason and not stultify human intelligence as the fundamental basis of belief. It must concern itself primarily with the lives and welfare of its adherents on earth and not dwell needlessly on the delights and terrors of another world, angelic raptures, demonic frenzies. Its ethical strength must be without a flaw—there must be no dallying with the moral principle for self-aggrandizement. Its ultimate aim must be human betterment, not the extirpation of all who hold other views. Macaulay could not have crystallized the matter more tersely when he wrote that the doctrine of bigotry is simply this: "I am in the right and you are in the wrong. When you are the stronger you agree to tolerate me, for it is your duty to tolerate truth. But when I am the stronger I shall persecute you, for it is my duty to persecute error." A religion, finally, must make its followers better, more helpful, more blessed, so that its influence shall be recognized more and more for good.

Before we ask, How does Judaism meet this definition of a necessary religion (within present limitations it is impossible to enter more thoroughly into the subject), let us put the question, What is Judaism? That is the crux of the discussion. It is not the religion of the Patriarchs, the Pentateuch, the Prophets only. It is ethical monotheism colored by the history of the Jewish people and is a development ever continuing as that people or race or religious body survives from age to age, from clime to clime. It is not restricted to the Old Testament and the surroundings of Palestine. That environment marked only its point of origin. As the real history of the Jew may be said to have begun with the Roman's capture of Jerusalem, when he

exchanged a strip of soil for the universe, so his religion, which is not Mosaism or Rabbinism, but Judaism, attained its greatest breadth when the sacrificial era closed, prayer became the substitute for burnt offering, and school and synagogue spread in every land. Ideals change, customs vary, opinions clash, and out of this everlasting conflict Judaism attains new life and vigor. That is one secret of its survival. The very legalism which is such a constituent part of the Jewish religion and which is usually criticised as repressive and narrowing became a balance-wheel for character and conduct.

Naturally, this view will be sharply challenged by those who have made Judaism a convenient dummy or veritable taboo. There are many who conscientiously limit the religion of the Jew to the Old Testament. The modern Jew, they assert, is a degenerate, his religion a counterfeit, if not a danger to the children of light. The testimony of history, the story of rabbinical development, with the wider dispersion after the Roman triumph, the influence of the Talmud, the spread of the schools East and West, the tremendous upheaval with the discovery of America, the Reformation, the French Revolution; these have given new form and color to the Jew's thought and made the Biblical era almost like his kindergarten. Such a view of the situation is utterly ignored by those who have long preached Judaism's funeral sermon and cannot understand why its obsequies are indefinitely postponed. Everything is ready but the corpse.

Bearing in mind, then, this juster conception of Judaism as embracing every era in its history, past and present, how far does it meet our definition of a necessary religion?

Judaism is rational, for its fundamental doctrines are in accord with human intelligence. These are the Unity of God and the unity of mankind, which forms a common brotherhood, even as the Deity is the Father of all races and creeds. Its ideal is universal peace and righteousness, to be brought about by the gradual diffusion of justice, kindness and humility. Its aim is the attainment of the perfect life among its adherents, which its rites and ceremonies have in view and to which they are subordinated. Its ethics are unsurpassed for breadth and beauty—they have become so absorbed and utilized that the world fails to recognize the debt. It plants itself on earth and speculates little about the next world, preferring to make a heaven of earth instead

of transplanting the passions and weaknesses of earth to heaven. Its highest conception of the future is of all creeds and nations acknowledging one God and worshipping as brethren. It seeks no proselytes: all who lead pious lives, whatever their creed or race, inherit eternal bliss is its traditional saying. And it has held to this gracious optimism despite two thousand years of travail. "Thou shalt love thy neighbor as thyself," "Have we not all One Father?" are its golden texts for all time.

Undoubtedly one clew, however slight, to the opinion that Judaism is unnecessary, is found in its disinclination to proselytize. One is accustomed to associate some system of propaganda, an active, aggressive tendency with a living faith. Apparently the objection that Max Müller decades ago uttered against Judaism as being inert without the missionary spirit carries a certain amount of weight. Hence as it makes no outside stir, is concerned directly with its own adherents and gives no thought to the world's salvation as demanding its interference, it is likely to be regarded as less necessary than a more militant organization. But there is a twofold reason for this apathy. In the first place, the Jews have never had the power to make propaganda even if they desired and the synagogue polity favored such a course. It would have been suicidal, if one considers the conditions under which they have existed. Then, too, the Jew, realizing the beauty and excellence in the life and aspiration of the non-Jew, feels that the offshoots of Judaism, what the Germans call its "daughter religions," are doing God's work. As a matter of history, however, it is false to assume that Judaism has always been a passionless block—it has numbered illustrious converts; but these have come without conscious effort, even in Roman days when Juvenal grew sarcastic at the Jew's expense and the synagogue was visited by men and women of noble rank. Why, however, should it compass sea and earth to make a proselyte? What was to be gained? Mere numerical strength was of little consequence to a people whose consoling hope was the saving remnant. And as for power, dominion, wealth, had not the prophet proclaimed of old—"not by might, but by my spirit"?

It is, however, the survival of Judaism, with its essential belief still powerful, its hold on its adherents practically unchanged, its ethical platform broad and inspiring; in other

words, its vitality undimmed, that proves its right to be called a religion necessary to-day. When Tennyson wrote,

> "From scarped cliff and quarried stone
> She cries, 'A thousand types are gone:
> I care for nothing, all shall go,'"

he did not think of any possible exception to the law of destruction that overwhelms nations and creeds as well as cliff and stone. May not Judaism, without any undue boastfulness, claim to be such an exception? A religion that has survived so much cannot be unnecessary. A vitality that has stood persecution-proof for ages must have a further part to play. If the thought of Emerson be true, "Every lash inflicted is a tongue of flame, every prison a more illustrious abode, every burnt book or house enlightens the world," the practical crucifixion of an entire race for nearly twenty centuries because it refused to be disloyal to its flag is the most powerful proof that it must possess a message and a warning necessary in some form for mankind to-day.

Judaism has had the hardest kind of a fight from the beginning. It has had to uplift itself from idolatry and materialism. Its entire history has been a discipline of suffering—a process of chastening. But it has caught some share of the truth and it is needed to emphasize that portion. If it has not realized its ideals, is not this the fate of humanity in general? Yet the mind and heart of the race have been so trained in the school of trial, its intellect so exercised, when any other people would have fallen in the mire and been lost by the way, that there is not a field to which it has been grudgingly admitted which its representatives have not adorned. Art, music, science, law, medicine, finance, philology, the useful trades, philanthropy, has not the Jew's record in these departments of effort been notable in but a single century of emancipation? Surely a religion that can produce such illustrious workers from Josef Israels to Moses Montefiore cannot but be necessary to-day. And as to the future, it will be more necessary as the world's attitude changes and the Jew himself wisely and reverently can give more thought to the changeless spirit and ideals of Judaism than to transient forms, symbols and customs, which, while they may protect and preserve vital principles too often obscure, distort and stifle the truth.

ABRAM S. ISAACS.

THE TRAGEDY OF GOLF

BY P. A. VAILE

Golf is a great game: a game worthy to be played and loved, as it is by our greatest; but it bids fair to become a national obsession. It sounds slightly axiomatic, but I think we may say that all obsessions are obnoxious. Certainly there are clear indications that the obsession of golf will be obnoxious, if not, indeed, absolutely dangerous.

Coming from me, who have done my best to spread the higher knowledge of golf, this may sound inconsistent. I must be content to let my motive and my reasons for making such a statement appear as I go on with my argument.

Golf with many people in England is almost synonymous with life. They live on the links, and when occasionally off them they talk golf and think golf—and nothing but golf. Their life is dominated by the game. We have, coming after them, another class—a much more numerous class—who are not so fanatically bound to the game, but whose spare time is practically entirely devoted to talking or playing golf. These people are already under the obsession, and they are very painful persons to meet, especially if one be not a golfer.

So long as one can talk golf balls—pimply, dimply, or smooth—spoons, niblicks, stymies, pulls, slices, divots, and all the usual jargon, about which in reality these people know very little, it is possible to hold their interest; but if by any chance one should slip out of this somewhat restricted field into the broader issues of national or imperial politics, for instance, one must be prepared for the vacant eye that tells of a vacant mind chained to a little pimply globe of congo-discord, that dances always before all that there is of mental outlook behind the eye; and this, although not the whole tragedy of golf, is by no means an inconsiderable portion of it.

Golf at best is a game—a great game, I grant. Had I not thought so I should not have done what I have for it. I have worked for the game. It was a labor of love, and as usual in such circumstances I have been repaid many times. How many golfers do we find who want to do anything for the game? That is one of the truest tests of any one's love for anything or any one. Tried by this standard, how many golfers love golf?

As a matter of simple fact there is but one idea dominating the mind of the average golfer, and that is *to get all he can out of golf.* This may sound brutally candid, but, unfortunately, it is true; and it is necessary occasionally to speak the truth and to speak it plainly. There never was a time in the history of England, or golf, when plain speaking was more necessary than it is now. There is far too much selfishness about it, far too much craving for pleasure and the ease and enjoyment of life without any corresponding idea of rendering any service to any one or anything in return for these benefits—if indeed they are benefits.

So it is with the golfer and his game. He is " all out " for what he can get out of golf. He does not in ninety-five cases of a hundred even try to know it. He plays it in an uninspired mechanical way, for he knows nothing of the soul of golf—he is merely raveling the husk, and playing that which is the most mechanical of games, when it is not understood in sympathy and love, in a soulless manner. Truly, in great measure, is he more an object for pity than for blame; for in many other sports we see nearly as bad a condition, yet in golf there are elements that go more deeply to the root of things than do those in the other sports.

Golf is affected by quite a number of different classes. Firstly, there are those who love it and play it for itself—and know it. Secondly, there are those who like it and play it—without knowing it. Thirdly, there are those who hate it and pretend to play it—because everybody who is anybody does play. Fourthly, there are those, and they are an increasingly large class, who take it like their church, because they have got to know that " it's good for business." Fifthly, there are those who find it a fine excuse for bridge, billiards, and—something else that starts with a b.

The result of all this is that golf clubs are springing up throughout the country, and the game is undoubtedly taking a wonderful hold, not only on England, but on the world;

and the tragedy of it is twofold. Thousands of the alleged golfers are spurious followers of a noble game, and tens of thousands of both the spurious and genuine followers think more of golf than they do of their own country.

It is hardly too much to say that at this time there are many thousands of golfers in England who go perilously near to deserving the word traitor. I know it is almost a shocking statement to make. Nothing can excuse it but truth. Can it be denied that to-day England needs all the help of all her men to bind her and her Empire together, to maintain her in the position that she has so long held among nations? Can the man who needlessly gives more time to any game than he gives to his country *when she needs him* be considered a loyal man and a worthy son of a great race; in a word, or a few, is he worthy of the great name of Englishman?

I do not know what is thought of it here, but, frankly, in my opinion he is not.

This is another part of the great tragedy of golf. Day after day men who might be of vital service to England in this time of real crisis are engaged in whiling away their time in play. It is not, with all of them, selfishness and want of patriotism. Many of them are retired officers and Anglo-Indians whose knowledge, used in a practical way, might be of infinite value to the Empire, but who at present are in many cases absolutely wasted. There is no provision made for such as these to assist the State with their knowledge and experience. Of course, it may be said that a good man will win his way through and make himself heard. It may be so; but the system of Parliamentary representation in England, with its expensive and microscopic constituencies, tends to keep the best men out of the House.

There is such a sinful waste of time and material amongst the golfers of the United Kingdom that some one should try to do something to remove the reproach. Taken as a whole, the real golfers are recruited from the finest class in the world, and, in many cases, they are both traveled and cultured men. What is to prevent them from forming a Golfers' Imperial League, and doing yeoman service for the Empire by placing at the disposal of the nation the wisdom and experience gained by wide travel and varied service in every corner of the Empire—of the world?

I have the greatest respect for the training a man gets in sport. There is scarcely a better way in which to acquire

a knowledge of men and how to deal with them, and the idea mentioned by me just now is capable of indefinite expansion.

Apart from the almost sinful waste of time—much of which is due to England—for which golf is responsible, the most objectionable feature of its recent development is the social and business side of it. Multitudes of people now belong to golf clubs just because it is "the thing" to do it. These persons, as may readily be imagined, are simply a pest to the real golfer, when they go on to the links. Fortunately many of them never stir a divot. These and the businesslike person who seeks to extend his connection are what I call spurious golfers. They certainly are not much good to the game; I doubt that the game is much good to them, and I think it problematical that they are much good to the nation.

Hitherto I have been dealing with the general aspect of the tragedy of golf. There is about golf particularly one feature that always seems to me almost sad. It is played by quite the best classes of the community, by our leading statesmen, barristers, and engineers, by our universities and public schools. It has been written up and down, and in and out, by practised players with big university distinction, and after all these years, after all this travail, much of the real beauty of golf has been missed for want of a genuine and sympathetic insight into the mysteries of the game, if, indeed, they may be called mysteries, which really are abundantly plain to one who loves the game enough to seek an understanding of them.

These mysteries—and I call them so only because so far they have escaped the attention of those who have essayed to instruct their fellow-golfers—go right to the root of the game, and are such that no golfer who really wants to know the game in and out may be without them, yet so blind to the truest beauty of their great game have golfers been for scores and scores of years that they have suffered the falsest of doctrine and have assisted in spreading it, and so they are doing now, in golf and in that greater and more important game—the Imperial game.

Now it is easy to make vague general statements like this, so I must give a few specific instances of what I mean. I hold strongly that merely destructive criticism is of little use. Unless a man can show the better way he had better hold his peace.

With most golfers a good drive is a thing to be desired almost above pearls and rubies, and nearly every book and most instructors try to prevent him getting it. It is not a gigantic conspiracy. It is merely the national habit of borrowing somebody else's thoughts to save the trouble of using one's own brains. So, in the all-important matter of the distribution of weight in the swing, the unfortunate golfer is taught that at the top of his swing his weight should be on his right foot and leg, whereas in very truth it should, if anything, be on the left, or, at most, equally distributed between the two. That which is frequently mistaken for weight on the right is merely the torsional or twisting strain put on it as it turns in the swing. This is most simply proved to be true by fixing from a wall a rigid projecting rod which makes contact with one's neck on the side farther from the hole. It will be found then that without contortion it is impossible in driving to put the weight on to the right foot. The rod is placed against the neck, for even the novice at golf knows that he must not move his head, for if he does he is swaying, which is a grievous fault. The rod prevents his swaying, and incidentally shows him, which few golfers know even now, that the weight is *never* on *the right leg* in a true and rhythmical golf swing. When a golfer has this knowledge he has one of the greatest secrets of that most complicated of all strokes, the golf swing.

So for centuries have golfers who should have known better been worshipping the fetish of the left. In other words, they have preached in season and out of season, mostly out, and in books and out of them, that the left hand and arm is the dominant partner in the golfing drive and that the right is the assistant. This in many cases is done by implication, but there are not wanting instances where learned writers with many university degrees and qualifications and the highest practical success in the game behind them have stated clearly and explicitly that this is so; whereas in truth such doctrine is sheer futility, and is merely calculated to ruin a man's play if he be strong enough and foolish enough to follow it. Fortunately Nature is nearly always sufficiently strong to overcome this faulty teaching, but the mere preaching of it is a sin, and, moreover, is a genuine hindrance to many an aspiring player. It will not, therefore, be out of place to give a few moments' consideration to this matter.

In the first place, there is no other two-handed stroke in the whole realm of athletics, from wood-chopping to base-ball, wherein the same claim is made. The right hand is everywhere allowed to be superior to the left, as, indeed, is natural. Only in golf has this strange claim been made and tolerated for a time whereof the memory of man runneth not to the contrary. No reason has ever been advanced for this strange assertion, and apparently none has been demanded. It did not even strike its supporters as strange that left-handed people, who had been endowed by kindly Nature with the most important hand and arm in the proper place for golf, immediately forsook their natural advantage, got special clubs built for themselves, and proceeded to play the game as the right-handed did—that is. with the master hand in command. With all the writing that there has been about the power of the left, there has never been a suspicion of an explanation of its alleged power. I believe that I am giving it now for the first time. If not, I am open to correction. It is manifest to any one with the most rudimentary knowledge of anatomy and athletics that at the moment of impact there is very little power in the left. The mere position is a confession of want of power.

In all two-handed strokes, indeed in nearly all strokes, the greatest power is got when the strain of the blow falls across the wrist joint—that is, *not* the way in which it bends. This is what happens in wood-chopping. Now in a properly played golf swing both wrists are practically in this position at the top of the swing. It is here that the left really does make itself felt, but it must be remembered that the right also is in position and doing its work, and that it is always in normal men the stronger. This is where the real wrist power comes into the drive at golf.

I have tried both hands separately in the position used in the golfing drive, and find the left comparatively quite ineffective. I had my results verified by George Duncan, the famous young Hanger Hill professional, who found that he could not get anything like a drive with his left by itself, but that with his right only he could drive nearly as far as with both hands.

These results have given the fetish of the left a woeful shake, but in many places it is still blindly worshipped by confirmed slicers, who have no suspicion of their one-eyed idol.

Perhaps one of the most blindly followed axioms of the game is slow-back. Thousands who have no idea why they should go " slow-back " do it funereally, which, of course, although they do not know it, is very wrong. I believe " slow-back " ruins more drives than it makes, for it is always so ridiculously exaggerated. Certainly one of the greatest tragedies—or comedies—of golf is to see five feet two of fourteen stone five that has modeled its swing on Vardon undoing itself with the speed of an oyster opening his back door to see if the sun is up. One must not swing back fast enough to waste power and produce unsteadiness in the recovery at the top of the swing. " That is all there is to it," as the American would put it, but it has ruined millions of drives.

How frequently one sees the player instructed not only to keep his eye on the ball, but to study the turf after it has gone. Now, part of the pleasure—in fact, much the greater part of it—in a well-played drive consists in watching the ball. The turf really is quite monotonous by comparison. The only excuse for this advice is that those who lay it down never expect it to be carried out. It is a case of the greater including the less. It may lead to one's keeping one's eye on the ball. If it does, it has done well. I have, however, seen players strong-minded enough to let the ball go, and then go on with their turf study. The inevitable result is a spoiled drive, for a rigid head and neck will kill any follow-through.

In no way, perhaps, has the want of thought in golf been so conspicuously shown as in regard to the golf-ball, the little, pimply, globular tyrant of scores of thousands of those who might be his master had they loved him more and understood him better, for verily he is a tricky little tyrant. He is a restless little monster, too. Try to make him rest in the place where you put him on a billiard-table. He will never do it, for he stands not on one pimple, but on three or four, and he is ever seeking his three-legged stool. This is not such a great handicap to the poor putter while there is some force behind his putt. It is when the last foot or two of fifteen feet come to be undertaken that " Weary Willie " thinks of his stool, and the unthinking golfer curses the green.

Few golfers know what a handicap they are suffering from in both driving and putting with the pimply ball. Following

some papers of mine on the subject, Sir Ralph Payne-Gallwey, the famous wild-fowler and author of *The Projectile-throwing Engines of the Ancients,* conducted a series of most exhaustive experiments with his remarkable catapults which, in the face of the assertions of the trade, conclusively proved that the modern golf-ball is most untruly and unscientifically made. Sir Ralph's articles occupied three columns of *The Times,* and amongst other things he showed clearly that the center of gravity of nearly every ball tried by him was wrong. It followed that in many cases, apart from the pimples, the balls had a strong bias. Indeed, in rolling from a leaden trough down the middle of a billiard-table many of them tried to get into the top pockets. I have had the same experience myself. Sir Ralph's experiments were most interesting and thorough, and they proved to demonstration that the present golf-ball is too rough both in flight and on the green, but I am not aware that either the trade or golfers have shown any marked inclination to avail themselves of the results obtained by him.

Perhaps one of the most wonderful instances of the golfer's want of insight into the beauty of golf is the controversy that is going on in the golfing world as to how the pull is obtained. Now, Harry Vardon has called the pull one of the master-strokes of the game, and in his book, *The Complete Golfer,* he has told us how to play it, and many other books have told us how to play it, and practically all of them ignore the one thing of outstanding importance—the *upward, outward glancing* blow—and tell one carefully about some mysterious turnover of the right forearm, or, as they call it, wrist, whereas in truth this has nothing to do with the stroke except as part of the natural follow-through of a well-played pull; and in time to come golfers will know and understand this.

The reason that they do not know it now, and do not understand golf better, is all part of the tragedy of golf. They have never made any sacrifice for the game. It has been self first and the game after. If a man loved a woman that way, would he know her? I trow not. So it is with thousands of golfers. They have only the husk of the game; and the worst of it is that they, in many cases, are dead to the rest, to the real beauty, of the game. This is no small measure of the great tragedy of golf.

I was talking to such an one the other day. He said:

"I am sure I cannot tell how or why I play a particular stroke. I have played them that way since I can remember. I can't be bothered with theory." Yet that same man the day after, before playing a little chip shot out of a bunker, took his handkerchief out of his pocket and flew it to see which way the wind was blowing. He couldn't "be bothered with theory." If he had had the right kind of theory, which is the concentrated essence of the practice of experts, he would have known that any wind that required such detection could not affect such a short low shot, and instead of sometimes getting into the last eight in the championship he might ere this have won it.

He is one of the tragedies of golf—a fair example: an athlete, a cultured man, a golfer from his nursery, and to-day with far less idea as to the meaning of the soul of golf than he has about his own soul.

It may seem to many that I have herein spoken harshly of golfers. I would not have it so thought if I could avoid it. I love the game, and I have had much pleasure from it in many climes, for the brethren of that grand masonic symbol, the club, have been good friends to me the world over, and in England I have had nothing but kindness and the best of good-fellowship, and a most sportsman-like recognition of what little I have tried to do to spread a knowledge of the game; but even all that cannot prevent me from seeing the canker at the heart of golf, a canker that is sure to be serious if it is not recognized soon, a canker that in any case will be very hard to deal with, but one which may in some way be attended to when once attention has been strongly drawn to it.

Golf is too great a game for those who really love it to stand quietly by and see it develop largely into a social cult or a business affair. Such a development would surely in time work harm to the game.

I was recently waiting at the first tee on the course of a club that shall be nameless. The pair in front of us had come down in a great motor with a famous little actress. They had everything on that any self-respecting golfer would dare—and some extras, and they were out to show her "goff as she is played, don't you know."

Between them they sliced four balls out of bounds into a belt of trees, at almost exactly the same spot, while the little actress smiled. Then they took their cleeks, scraped

their balls about thirty yards off the tee, and "set about" the unfortunate county.

This is not an effort of my imagination. If it were, I should have varied it more. I could not have imagined anything so ridiculously unlikely as four balls, one after the other, going into the same place with almost mechanical precision.

This is what the social side of golf frequently produces.

I have never had any reason to complain of my work not being taken seriously enough. Indeed, I have on occasion had to reprimand, gently of course, over-earnest golfers who insisted on making the pull or the slice into a question of life or death, and even in writing of the tragedy of golf I do not want to do it with lugubrious thought or expression, for I long since discovered that in this country the heavier one gets the less weight one carries; but I do want in all earnestness to direct the attention of golfers to that which is without doubt the tragedy of the game, and that is, on the one hand, the want of that close and intimate knowledge, that true love and sympathy, that can alone make the real golfer, the sincere devotee of a grand game, and, on the other hand, the blind, selfish following of a noble game by hordes who owe, and are content to owe, a duty to the greatest country on earth, a duty they realize as little as they do the beauty of that which they insult by calling it their game, even while they will not know it.

Many times I have been asked why I write so much about games and play so little. I have never explained why, but the simple reason is that there are many to play and few to work. Now for a time I must work. From a long acquaintance with sport in all parts of the world I have learned more than is known in England, and I have indelibly set my name on the scroll of lawn-tennis, cricket, and golf, not because I wanted to do that, for then, probably, I should not have done it, but because I knew them better and loved them more than others, *and wished the others to share my enjoyment.* That is the great secret—of many things.

The fact is that not only amongst golfers, but amongst England's men generally, there is a deadness of national spirit, a want of imagination, a dulness, an absence of the poetry of life that should pulse in every fiber of the men who are born in a country like England, with associations and traditions such as England's. It is by violence, and

by violence alone, that they will be brought to see this, and the mildest, most harmless part of the violence they will have to suffer before we see again the rugged spirit that once was in England's sons will be the literary violence of such as I, which springs from a love of England passing the love of Englishmen, for I know her as they do not, and how worthy she is to be loved and worked for—and fought for.

In the days to come perhaps our golfers will realize that some little of their time and thought is due to England. Many of them now serve their country truly and well. Multitudes of them not at all. It is of these I think mostly when I write of the tragedy of golf. I cannot think even of these as wilfully unpatriotic, and I hope that their eyes may be opened to the possibilities before them, and that in a short time I may write of the Golfers' Imperial League instead of "The Tragedy of Golf."

P. A. Vaile.

II.—DIPLOMACY AND ARBITRATION

BY REAR-ADMIRAL A. T. MAHAN, U.S.N.

Not long ago I was the guest of a large club in New York, devoted to economical subjects and interests, and was an interested listener to several speeches which found their common inspiration in the belief that arbitration could be substituted for war in all cases. It was apparent throughout that by arbitration was meant judicial arbitration, the decision of a court based upon a code of accepted law; not merely an arrangement of differences by adjustment or compromise contrived by practical men of affairs dealing with a difficult situation. Such adjustments have marked hitherto almost all treaties or settlements of any character between disputing nations, and they come under the head of Diplomacy. It appeared to be granted that such codified law does not exist yet, but its possibility in the future was assumed by the generality of the speakers. Law in place of war voiced the aspiration of one; but it is scarcely a misrepresentation to say that effectually law instead of Diplomacy was the desired end, for in diplomacy, in international negotiation, force underlies every contention as a possible final arbiter, and of force war is simply the ultimate expression.

The audience was necessarily sympathetic. The economist as such, and as a rule, cannot but hate war with a peculiar and specific hatred. Its occurrence throws his favorite system into disorder, dislocates the gearing; and the preparations for war are of the nature of so-called unproductive labor in various forms. Independent of the humanitarian evils of actual war which no soldier, not even the most zealous, will deny nor fail to deplore, preparation for war diverts an army of producers for a fixed period of their lives from productive labor, usually so styled, to military training, as well as another subordinate big detachment of work-

people to the manufacture of weapons of war. The creation of these, from an industrial point of view, is labor wasted, because spent in producing materials economically useless for purposes economically deplorable—at least to a first glance. It may be suggested here, however, as I have on other occasions, that the recognized financial priority and supremacy of Great Britain during the greater part of the last century was really the result of the armed power, the so-called unproductive labor, which through more than a century shielded her industries and commerce. From this point of view the debt incurred and the power expended was of the nature of an investment, in which, as in many other investments, the investor is content to wait through an unremunerative period for the great returns of a discernible future.

A listener who had reached his threescore and ten, whose life had been passed, and his position in life determined by devotion to pursuits so contrary to the mind of his fellow-diners—a military man, in short—could scarcely at the age named listen without a certain element of doubt, of lingering over the past; or without a certain repugnance and dissent to denunciations and prophecies which, if just, signified the passing away of a profession with which his life had been identified, and in the heroes of which he had had occasion to notice, and to know, the elements of greatness which exalted their calling. A member of the first Hague Conference and an interested observer of international affairs for years back, I have become conscious and seek to bear ever in mind that professional prepossession cannot but constitute in me a bias, against which I must be continually on guard, in viewing the origin and progress of the various attempts to substitute other processes for the attainment of the objects which hitherto have been effected largely by war; the study of which, with the consequent absorption of military sympathies, has been the principal engagement of my life experience.

Nevertheless, while thus keeping guard over the temper of my mind, and recognizing that to prefer a state of war to a state of peace would be a grievous twist of character, I could not but think that in the speeches to which I listened there were to be detected fallacies, partial points of view, ignoring of difficult factors. Fundamental among these was the looking upon war as a principal rather than an agent;

as a cause rather than an effect. There was no explicit recognition of the fact that force, under one form or another, underlies law itself; and that there are necessities which transcend law, a truth which found expression in the phrase once familiar to American ears—"a higher law." There was also the assumption that the individual man has surrendered unreservedly his freedom of action to the commands of law. I long ago pointed out that this is not true. The Fugitive Slave law afforded an instance. American citizens of the most law-abiding and peaceful character in other matters simply refused in this to subject their conscience to law. The instance is too recent to be dismissed as out of date, as some perhaps may feel can be done with the long history of religious persecution and of the martyrs to opinion who refused therein to subject their consciences to law. Armed resistance — that is, war — helped to win for mankind freedom of conscience. In many parts of the world, however, notably in the Mohammedan world, conversion to Christianity is even now more strenuously forbidden and on more extreme principles than it ever was under a Roman Emperor.

At the present moment our own United States refuses directly, as it has for generations refused, to acquiesce in a procedure which, according to the law of nations, is strictly legal. The refusal is not based on grounds of conscience, moral grounds, but on dictates of expediency; a justifiable motive, but one which rests on a distinctly lower plane. Sir Harry Johnston, a distinguished British administrator of long service in Africa, who may be better known to many Americans by his recent book, *The Negro in America,* contributed to the *Nineteenth Century,* in December and January last, two successive articles designed to explain to Englishmen the feelings of Germany. By this exhibition of "the other side" he avowedly hoped to forward, if possible, a good understanding, in place of the mutual suspicion now characterizing the attitude of the two nations, which finds expression in the generally known naval shipbuilding competition. The views he put forth depend upon personal discussions "with German officials, politicians, men of science, heads of industries, and of great commercial firms." In fact, his first article is couched in terms of German opinion expressing itself and, as such, is embraced in quotation marks.

In the course of the long exposition of the grievances felt by Germany and of the sense of being, as it were, "in Coventry," politically, occur these words:

"Why, Germans ask, in and as regards America, should everything be settled now practically by a joint understanding between Britain and the United States? Why was Denmark some time ago forbidden to sell one or more West-Indian Islands to the Germans as a depot for their fleet in the New World? France, Holland, and Denmark, as well as the British and American Empires, have harbors, coaling-stations, and colonies in the New World, which, especially in the tropical portions, serve as valuable rendezvous for their commerce; why should it be tacitly laid down that if Germany by purchase attempted to get a coaling-station, or a harbor of refuge, it would be equivalent to a *casus belli* with the Anglo-Saxon world?"

In his second article,* elicited by the number of letters and remonstrances consequent upon the first, the writer endeavors to attenuate the impression produced by these words; but expressions once given public vogue are with difficulty recalled, and in this instance, while facts remain vague, there is left no room for doubt as to feelings:

"No German ever mentioned to me any project entertained by Germans for acquiring an island in the West Indies. It is true that some Germans, in their review of recent history, consider it to have been unfair and churlish on the part of the United States, and perhaps of Great Britain, to have opposed the project of the sale of a Danish island to Germany; but the subject was dismissed as one of only academic interest."

Whether this transaction of sale and purchase between Denmark and Germany was actually undertaken and forbidden, and, if so, by whom, I have no means of knowing; but, like every other American, I do know that it would have been contrary to the Monroe Doctrine, which is a distinct, continuous, and developing policy of the United States through now nearly three generations—since long before the present German Empire was constituted. But a policy, however wise or imperative to national interests, as I believe the Monroe Doctrine to have been in origin and in development, is not a law. Consider the proposition as formulated by Sir H. Johnston's article quoted. The sovereign and independent State of Denmark proposes to sell a piece of national property to the equally sovereign and independent Empire of Germany. What is there in international law to forbid? And if nothing, what is there to make the transaction

* *Nineteenth Century*, January, 1911, p. 83.

illegal? In the existing condition of international law—by which an arbitral court must be governed—how is the suggested transfer to be condemned, or denied, if brought to a judicial settlement? Yet that which such a court must concede, so far as I can see, the United States refuses to concede, and in my own opinion very rightly.

This is one instance of the difficulty which I foresee, an insurmountable difficulty, to the substitution of judicial arbitration for diplomacy in all cases. The insistence of the United States, and the tacit, if unwilling, acquiescence of Germany, are both matters of policy. That of the United States is generally understood; that of Germany is not avowed, for it is not a general policy, only a particular abstinence. Germany has never explicitly recognized the Monroe Doctrine as an element in her general policy, as Great Britain very recently has done publicly, by the mouth of a responsible representative of her Government, Sir Edward Grey, the Secretary for Foreign Affairs in the present Cabinet. By transatlantic dispatch he is reported to have said in a public speech that the Monroe Doctrine, defined as prohibitory of future acquisition of American territory by a European state, is now " our policy "—the policy of Great Britain.* Coming at the moment it has, the statement suggests the undercurrent of exchange of views which necessarily accompanied the negotiation of the pending Anglo-American Arbitration Treaty.

As far as has transpired, the official attitude of Germany toward the Monroe Doctrine leaves nothing to be desired by Americans, but she has never made to my knowledge a distinct pronouncement in its support such as the above. Speaking under correction, it appears to me that if the question posed in Sir H. Johnston's article were raised under an unqualified Treaty of Arbitration with Germany, and it went so before a court, the United States would lose its case, and must accept a German naval station in the waters of the Caribbean Sea, with all consequences.

* The precise words of Sir E. Grey were: " The Americans have a policy associated with the name of Monroe the cardinal point of which is that no European or non-American nation should acquire fresh territory on the continent of America. If it be, as I think it must be, a postulate of any successful Arbitration Treaty of an extended kind that there should be no conflict, or possibility of conflict, between the national policies of the nations who are parties to it, this condition is assumed between us."—*The Spectator,* May 27th.

A conviction of similar character was expressed to me, when a delegate to the Hague Conference in 1899, by the principal representative of one of the smaller European Powers, with reference to our war with Spain in 1898. The person in question was a man of mature age who had passed his life in diplomacy; much of it in the United States, where he had married an American wife. He was then minister for his country to one of the principal European States, which may be taken to indicate his standing with his own government. Our demands upon Spain at that time and our course of action could not be justified in law, he thought, before an international court deciding between the two countries. Our demands were based upon "the abhorrent conditions which for more than three years had existed in the island of Cuba, so near our own borders." The incident of the *Maine* was mentioned, but it was supplementary and cumulative; cited as incidental to the general conditions, not as a primary cause of action. This is a fact well to be kept in mind at this particular moment. In other words, the domestic conditions of a certain integral portion of the Spanish Empire were given as the motive of the demand which led to war; precisely as the domestic institution of slavery, though not the immediate motive to the War of Secession, had led by an inevitable series of consequences to conditions which caused war.

International law concedes the legal right of any State to declare war, leaving it arbiter of its own action. It does not concede the like right of one independent State to intervene in the domestic concerns of another, except by permission or at the price of war. It is easy to see that such right of intervention would be contrary to the sovereignty of the State. Although self-government is not necessarily equivalent to independence,—Spain proposed autonomy for Cuba as an ultimate solution, but refused to entertain the proposition of independence,—independence includes self-government. Foreign intervention in domestic concerns impeaches both, whether such intervention be by another State or by an exterior tribunal. The demand of the United States that Spain should evacuate Cuba, leaving its people free and independent, could not therefore be justified by law if brought before a tribunal, unless Spain were willing to submit to the court the question of whether she should remain in Cuba or not; a precedent which, if established, might

carry us far, and bring into litigation much of the existing status of the world.

Yet, consider the moral grounds for forcible intervention; concerning which a distinguished British officer, who, it happens, by a rarity among British soldiers, is a strong Liberal in politics, said to me: "If the conditions of Cuba had existed as close to our doors as to those of the United States we would have interfered similarly." Since then—I like to vouch for my authorities—the officer in question has occupied continuously higher and higher positions in the civil and military administration of his government. An American in close contact with London feeling, official and other, affirmed at the time this general attitude. "The commonest phrase here is: 'I wish you would take Cuba at once. We wouldn't have stood it this long.'" Consider, I repeat, the conditions. In 1900 a very prominent gentleman, whose name, if mentioned, would be recognized by three-fourths of those who may read these lines and who had had close observation of Cuba during the revolt, said to me: "I asked Senator Proctor why, in the report of his visit to Cuba, he had not mentioned such-and-such things. The reply was: 'If I had told all I saw there would have been no holding our people back'"; and at the moment there were still hopes of a peaceful solution. I may add I have verified this recollection by a present reference to my informant.

If the hand of the United States had been stayed in this instance by an adverse arbitral decision upon legal grounds, upon what other legal grounds could the court have proceeded to right the misgovernment, to which was due the hopeless sufferings endured by the innocent Cuban population? Hopeless, I say, for it may be considered demonstrated that Spain with the best intentions has not the political aptitudes for well-governing remote dependencies. All that could come before an International Arbitral Court was the case between the United States and Spain. Spain's dealing with the revolt was a matter of domestic policy, not under the jurisdiction of a court instituted to decide international questions only. As it was, diplomacy settled that to which law was incompetent. It did so by using its last argument—force. It is out of place here to enlarge upon the benefits that American occupation, the result of war, conferred upon the ceded colonies of Spain. Sir H. Johnston, in one of the articles already cited, says, quite incidentally:

"To what degree have not the Santo Domingans, Porto Ricans, Cubans, and Filipinos profited through the intervention of the United States? I can testify from personal observation of the first three that the only adverb to be used in this connection is 'enormously.'"

Yet the intervention, if my diplomatic friend was right, could not have been permitted by a tribunal of arbitration. Such can decide only upon positive law, or upon fair rational inference from some existing law, or precedent, applied to a novel condition; in such case a legal inference rather than a positive law. There is as yet no proposition to constitute a tribunal empowered to authorize intervention in the domestic affairs of an independent State, or itself to exercise such intervention; but it seems probable that, in the borderland where international and domestic meet, there may be found the means of a transition to such interference. If so, this will trench heavily on that principle of nationality which has been the distinguishing element in modern European progress, since the centralizing conception of the Roman Empire, and the strong intervening hand of the Papal arbiter, lost their hold on European mankind.

The vista opened by such a prospect is indeed formidable, yet already there are premonitions of the attempt. At the International Peace Conference held in Stockholm in August last, a native Egyptian asked the Conference to express its sympathy with the Nationalist cause in Egypt and to direct that the Egyptian question should be placed on the programme of the next Conference. Instead of laying the proposal aside, as being under present conditions not an international question, the Congress decided to leave the matter to the Peace Bureau at Berne. A similar course would doubtless have been taken if a Filipino had requested a like interference for the Philippines; and the fact that a small but active minority in the United States would have sustained the proposition shows the greater chance there is that an Arbitral International Court might thus extend its jurisdiction by unconscious usurpation. It is easy to see that questions such as this approach a border line which might be insensibly crossed. There are questions of domestic regulation which affect foreign States, possibly unequally and invidiously. At present, the time-honored custom of nations is to respect the national sovereignty, confining objection to diplomatic remonstrance; or, if the worst come, resorting to war, which does not infringe national sovereignty. It seems

likely enough, however, that, once familiarized by habit with the idea of external intervention, such questions as the regulation of immigration, as a matter of intercourse between nations, might be brought before an arbitral court. Our Government has not thought necessary to ask the consent of other nations to fortifying the Panama Canal; but in influential quarters in Germany and Great Britain it has been suggested that to arbitrate this question, which affects "the vital interests of a great nation," would be highly edifying.

At the first Hague Conference there were audible whispers of two skeletons in the closet of the International Happy Family there assembled which might at any moment be revealed. As is the case with all such skeletons, unless they do appear, mention was reserved and vague; but there can be little doubt that they were there, though kept throughout decently curtained. They each illustrate questions in which legal decisions would be, probably, a far less happy solution than that of the rude hand of power. Of these one was the desire of the Papacy to be admitted to representation in the Conference; and a somewhat curious incident attending its close was the reading to the Conference an admonition addressed, if I rightly remember, to the Dutch Government, as the formal convener of the Conference, commenting on the absurdity of excluding from a peace conference the Power that had done so much to advance the cause of peace in the world.

The Conference being an assembly of secular States, not spiritual, the admission of a Papal representative could only be as that of a temporal Power, to which, it was said, Italy demurred; and naturally, because it would have recognized the temporal power which the Papacy still claimed as against the Italian occupation. Yet, why was the Papacy not a temporal Power, legally, in 1899? It claims to be so in its own right unsurrendered, despite the Italian occupation, which from the Papal point of view did not alter the legal fact; just as the United States dates its independence from its own declaration, not from recognition by Great Britain. The essence of a State—as the word shows—is that it exists by its own will. The only thing, as yet, that can reverse that will is the accepted result of force. International law accepts accomplished facts. The secular occupation of Rome, which the world at large, outside of the devout adherents of the Papacy, justifies as morally right,

is now legally complete and, therefore, is now such a fact; but, however morally right, it could never have been accomplished by arbitration. The Papacy would probably have refused to arbitrate, to acknowledge any superior judge in its own case; but, if brought to court at the first, the facts would have been that the Papacy then was a secular government of long standing, *de jure* and *de facto,* and no counsel of expediency could have swerved a just court from the decision that it had all the legal qualifications entitling it to continue. Italy would have been maimed of its capital.

The other skeleton was the dispute between the British Government and the Boer Republics. These, it was scarcely a secret, even open, were trying hard to get the matter before the Conference, in the shape probably of admitting delegates. This step would have acknowledged as unqualified an independence which in British affirmation was qualified, and at most amounted to the right of self-government. Sovereignty, which is the attribute of a State wholly independent, was in their case qualified by the unrelinquished suzerainty of Great Britain. If this were so, and after careful reading of the official papers at the time I think it certainly was, any recognition of the Republics, or cognizance of the dispute, would have been an intrusion into the domestic affairs of Great Britain, just as any question by another State of our administration of the Philippines would be. The Philippines, however useful our occupation may be to the inhabitants, are ours by right of conquest from Spain, by legal right; and our administration there is a purely domestic concern.

At the time, as I read the agreements between Great Britain and the Boer Republics by which their relations were then determined, Great Britain had not any right, and expressly disclaimed any right, to interfere with their self-government, including the question of the suffrage, on which most hinged; no right, that is, except the right of war, which as yet belongs to every State which feels it has wrongs to be redressed. If war were excluded, by consent to judicial arbitration, no redress was possible to the internal abuses of a government concerning which Mr. Bryce, an opponent of the war, wrote:

"President Krüger and his advisers committed the fatal mistake of trying to maintain a government which was at the same time undemocratic and incompetent. An exclusive government may be pardoned, if it is ef-

ficient; an inefficient government, if it rests upon the people. But a government which is both inefficient and exclusive incurs a weight of odium under which it must ultimately sink, and this was the kind of government which the Transvaal attempted to maintain."

Yet, despite this severe condemnation by an observer who at the worst was unbiased, a court could have given no redress, because the legal facts were against it; that is, the legal fact of the right to self-government conceded in a convention by Great Britain. The result, under the international law of then and now, was war; and consequent upon war such a political reconstitution as has replaced a congeries of rival and partly hostile communities, with strong racial oppositions, by a union of States. A South-African of English birth, who has resided there since the war and been active in politics, told me recently that in his judgment nothing but union could have saved another war. Union would have been impossible under the old conditions of Boer self-government in two States; and only force could have solved a difficulty to which existing international law was incompetent.

At the dinner in question much stress was laid by one of the speakers upon the opinion expressed to him by a well-known president of an American university, that no one of the wars in which the United States has been involved could not have been avoided. This is one of those remarks which says either too little or too much. If it is meant that in each instance, if both parties had been reasonable and righteous in their acts, there need not have been war, too little was said. No one will dispute the assertion so qualified. If it is meant that, things being as they actually were, war could have been avoided, too much is affirmed. Doubtless opinions may differ, and this may be considered matter of opinion, but as such it may be discussed.

Of the Mexican War I have no competent knowledge; but with the War of 1812, with the conflict of views and interests which led to the War of Secession, and to a somewhat less degree with the War with Spain, I am familiar. If it is meant that an arbitral court could have settled these disputes upon legal grounds, the reply is, that, in one of the two principal causes which led to the War of 1812, Great Britain, while maintaining the necessity and consequent propriety of its action, admitted it to be without sanction in law. An arbitral court could have affirmed no more. In 1861 a

like arbitration, whatever its result in conceding or denying the right of secession, would have maintained slavery in existence for generations longer, for the United States Government did not allege slavery as a justification of the war; a course which alienated many warm foreign sympathizers. Abolition was a war measure pure and simple. It could never have been a result of legal arbitration.

In the War with Spain there were no legal grounds upon which an arbitral court could have decreed the relinquishment by Spain of her colonies. War alone—actual or threatened—could have enforced the demand of the United States that Cuba be evacuated, and from war resulted the beneficent progresses that are known and noted. As a matter of private opinion, the members of a court might have considered it demonstrated that the time for Spain to go had fully come; but as a matter of legal decision there was then, and is now, no ground upon which to base a judicial sentence to that effect. Diplomacy failing, war alone was competent and war alone still would be. I am aware that persons in eminent position believed that with delay all the results of the war could have been secured from the Spanish Government without bloodshed. Granting that they were not mistaken, the difference of agency would have been that between war potential and war actual; in either case force, intimated by the United States, would have determined the issue. The ground of domestic bad government, however extreme, is not one for an international court; exactly as the ground of good government does not constitute the legal justification of the presence of Great Britain in Egypt or of the United States in the Philippines, however deplorable might be the results of withdrawal in either case.

A. T. Mahan.

THE LEAVES OF THE TREE*

BY ARTHUR C. BENSON

VI—MATTHEW ARNOLD

It is the hardest thing in the world to recover what one really thought or felt, or even knew, about great men or great books, when one was young. Subsequent knowledge and feeling have gone on trickling down, like stalactites from the roof of a cave, blending with and penetrating the original tiny core of experience. It is so impossible to shut off all the new light, which has since intervened, from the old picture! I cannot now disentangle what the essence of my genuine admiration for Matthew Arnold, in my school days, was. I did not know many of his poems. The "Forsaken Merman," which I learned by heart as a child, seemed to me rather silly and trivial, I am ashamed to say. I certainly had not read any of his prose works. But he was the son of Dr. Arnold, who was one of my father's heroes, and whose life I had read. In any case, I was prepared to see a great man when he came down to Eton to give his lecture on εὐτραπελία—versatility. It was going to be an event, and an event it was. I can remember the dignified suavity with which he took his place, the dark head, with its rippling glossy hair, sinuously and graciously inclined, the big side-whiskers, the large expressive mouth, the grave ecclesiastical smile. The opening sentence about the philosopher Epictetus, and his complaint of the quality of the water in the bath, arrested me by its urbanity, its elaborateness; and by the sense that our instructor recognized himself to be, like the wise householder in the Gospel, bringing out of his treasury things new and old! I did not know what culture was in those days. I liked the books which amused me; I had no scheme of self-improvement, and not the smallest touch of ambition. But the whole discourse had the charm of a mysterious secret, of which our kindly and kingly lecturer

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had the dispensing. Something stirred and fluttered in my soul. This was not the hard and dull knowledge, like brickbats, which fell from many of our teachers: it was not a taste of bitter and loathsome grammatical facts, which had no connection with each other or anything else; dreadful rules which had to be learned, in order to play the dreary game of education. There was something harmonious and seductive about what he was telling us, a sense of living men and living ideas—where language for a moment became, not the ashes of the human rubbish-heap, but coals glowing with the fire of the heart. I do not mean that I then and thus elaborated my thought; but it was a revelation of beautiful things within reach of one's hand—living ideas, glowing images.

I felt a sense of princely condescension and of active kindness about Mr. Arnold that he should be willing to instruct us. His utterance did not seem like persuasion, but a priestly sort of ministering of undoubted grace. The effect soon faded away; but it induced me, I remember, to read his poems, with an odd mixture of pleasure at the beauty of many of them, together with a sort of revulsion at the hard, plain, and knotty lines that lay among the richness, like the pointed kernel in the honeyed plum. One of my school-fellows was his nephew, and I secured an autograph, not indeed of the poet himself, but of his wife, which seemed to me a precious leaf from very near the rose.

Then, at Cambridge, I fell wholly under the spell of Matthew Arnold's writings, prose and poetry alike. He seemed to me the one faultless writer; and there came a day when he delivered the Bede Lecture, in the early eighties, and received an LL.D. degree. I was asked as an undergraduate to the great garden-party at King's, where the Doctors all appeared robed in glory; and while I was talking to the kindly Mrs. Westcott, wife of the Bishop, I suddenly descried two figures standing together and surveying the scene—Sir Henry Maine and Mr. Arnold. One little thing struck me. Most of the Doctors were wearing their scarlet gowns and their odd, flat, gold-corded velvet hats with an air of obvious and fearful joy. They had become, most of them, mere lay-figures, with a foolish smiling figurehead at the top, instinct with complacent vanity. But Maine and Arnold alone appeared to wear their gowns like customary coats, each as one

"That tricks his beams, and with new-spangled ore
Flames in the forehead of the morning sky."

There was no parade about it; they shone because it was their fate to shine. I murmured a heartfelt wish to Mrs. Westcott, who, with motherly kindness, went straight up to Mr. Arnold, I trailing in her wake, aghast at my boldness, and said, "Mr. Arnold, here is a young man who wishes to be presented to you. You know his father—the Bishop of Truro."

The moment was come. The great man held out his hand, said a few pleasant words about my father, and then, when I was about to retire, nodded to Sir Henry Maine, and said to me, "Come and walk about with me a little, and point out to me some of the celebrities." He even put his hand within my arm, and I had a few minutes of awe-struck rapture, parading before the guests in a kind of gorgeous intimacy with one of the first spirits of the age. I did my best to obey his instructions, and was at last dismissed with a delightful smile, and a wish that we should meet again.

We did meet again. My father became Archbishop of Canterbury, and Mr. Arnold used to dine with us at Lambeth; I have little doubt I bored him horribly, for I contrived more than once, when the ladies left the room, to slip into a chair beside him. But his graciousness was perfect. He treated me as he might have treated the most honored of our guests, and gave me of his best. My father had a real affection for him, not unmingled with terror. He considered him a dangerously subversive writer, but, I think, also thought of him as not likely to do serious harm to the cause of orthodoxy; while he loved his poetry so much and respected his sense of things ancient and beautiful so deeply that his admiration was wholly sincere. One interesting and characteristic story about him he was fond of telling. He had sate next him, on the first occasion of their meeting, at the house of Mr. Charles Arnold at Rugby. Matthew Arnold had uttered some humorous semi-cynical statement, to the effect that it was useless to try to enlighten the general public, or to give them a sense of due proportion. My father was somewhat nettled, and quoted a few lines from the celebrated sermon of Dr. Arnold's on Christian Education. Matthew Arnold smiled affectionately at him, drooping his head sideways in his direction, while he patted his shoulder, and said, "Very graceful and appropriate,

my dear Benson, but we must not take for Gospel everything that dear Dr. Arnold said."

It was incidents and sayings such as these—half-genial, half-ironical, and not really quite tactful—that gave Matthew Arnold the reputation for conscious superiority which the reality so instantly belied. It was only necessary to be once in his presence to know, with a certainty that could never be shaken, that he was the kindest, most amiable, and most delightful of men. He was simple, humorous, sweet-tempered, and natural. Yet the tradition persistently lingers that there was something supercilious and disdainful about him. Perhaps the tone of his writings, which have been described as "painfully kind," like a sage pleading graciously with a stubborn and stupid child, his magnificent manner, his dramatic eye-glass, may have created this impression. He was thought to be affected and academic. Probably, too, this view of him was augmented by Mr. Mallock's delightful satire, the *New Republic,* where Mr. Luke, who stands for Arnold, is depicted as languid, affected, and patronizing. Yet his letters alone, which are really almost too homely for preservation, might have disposed of this strange perversion. Even his liberal use of irony—that large, courteous, Socratic irony, which plays lambently over the type, and seldom scorches the individual—never made him unpopular; and in private life he was simply irresistible.

He was born in 1822 at Laleham, near Staines, in the great alluvial plain of the Thames. His father, Dr. Arnold, was then an unknown man, making an income by taking pupils. Two more diverse temperaments than those of father and son could hardly be selected. Dr. Arnold was earnest and strenuous, with the kind of passionate idealism that, while it inspires the enthusiastic with the same intense quality of emotion, is apt to take the heart out of more leisurely and easy-going natures. A man who could burst into tears at his own dinner-table on hearing a comparison made between St. Paul and St. John, to the detriment of the latter, and beg that the subject might never be mentioned again in his presence, could never have been an *easy* companion. Dr. Arnold was a hero of men: he had a Herculean task to perform, and he performed it with marvelous courage and industry. But such a spirit flies abroad like a flame, and withers where it does not ignite. It is impossible not

to feel that Dr. Arnold would have regarded his son's religious writings with shame and horror. And yet, strange to say, both father and son were attacking very much the same things and championing the same cause. Dr. Arnold hated tyranny, and had the true Protestant spirit. The son loved grace and light, and hated stupidity and conventional ineptitude. But the difficulty with such natures as Dr. Arnold's, with their intense capacity of translating theory into practical life, with their sharply defined principles, their ardor of hope, is that they cannot concede to others more liberty than they are themselves determined to possess. Dr. Arnold's liberalism was part of a very clear theory of government and practice. He did not wish others to be free on their own lines, but upon his own. He gave his boys liberty with a generous hand, but woe betide them if they extended that liberty; they had then, in Dr. Arnold's mind, abused it. Neither had Dr. Arnold a sense of humor. The ironical attitude, the half-pathetic, half-amused contemplation of perversities and stupidities, which you can perceive, but cannot terminate, was abhorrent to him. It was a kind of cynical trifling with the urgent issues of life. There is evidence that father and son did not wholly harmonize in the school days of the latter. But, if Dr. Arnold had lived to be an old man, it is difficult to say what would have ensued. Matthew Arnold's filial piety was so strong, he was so

> "decent not to fail
> In offices of tenderness,"

that he would have very possibly suppressed opinions the avowal of which would have caused his father unmitigated pain. But Dr. Arnold died in 1842, when his son was an undergraduate at Balliol, and the collision never came in sight.

Matthew Arnold's Oxford career was not an entire success. He only obtained a Second Class in the final Classical Schools. But this, as in the case of Newman and Clough, was more than atoned for by an Oriel Fellowship, which was still considered the highest intellectual honor that Oxford could bestow upon a young man of promise.

He went for a time to Rugby as a master, and then became private secretary to Lord Lansdowne, who was one of those quiet, imponderable personal forces in mid-Victorian politics to which history inevitably does scanty justice. Lord Lans-

downe led the House of Lords, and was consulted on every matter of political importance. He was a strong Whig, at a time when Whig opinions were still on the side of progress. Whiggery now seems a disagreeable blend of privilege and democracy, combining a convenient belief in popular liberty with a still stronger belief in personal prestige. Matthew Arnold's politics, nominally Liberal, were to the end influenced by the bias communicated to them by the serene dignity of his old chief. Yet the period of indoctrination was short enough. A political secretaryship is a fleeting thing; and within four years Matthew Arnold was appointed to an Inspectorship of Schools, a post which he held for thirty-five years.

It is natural, I think, to over-estimate the services which Matthew Arnold rendered to the cause of national education. He had, of course, a perception of the fact that if the democracy is to rule the State, the only hope is to educate the democracy up to its vote, and to give it an inkling of what political progress is. But his real concern lay with secondary education, and, though he was a kindly and sympathetic inspector, it is clear that his ideal of education was built upon the old humanistic basis. He overrated the force of classical culture, and he did not perceive that what, under earlier conditions, had been a real tincture of mental habit, was becoming, under modern conditions, a merely sentimental veneer. The modern function of education, in its civic aspect, is to initiate the youth of the country into clear conceptions of the possible reconstruction of political stability under democratic conditions. Matthew Arnold had a theoretical sympathy with the possibilities of scientific education, but his real sympathies lay with the attainment of literary culture. Hence he suffered from the inevitable backwardness of mind which befalls all those who can only meet actual difficulties, arising out of changed conditions, with a vaguely lyrical proffer of ancient complacencies. He was in favor of State supervision and publicity in education, but the result of his own and like-minded efforts was to establish a system of primary education which corresponds very little with the needs of the class educated; while secondary education, which was, and is, in urgent need of simplification and co-ordination, has been left in the hands of monopolists and traditional exponents of outworn theories. The secondary schools of England are still as much in need as ever of the qualities which Matthew

Arnold endeavored to enforce, while the effect of the type of primary education adopted has been to upset and subvert traditional class-feeling, without providing any social outlet for the type thus educated. It is useless to organize education without knowing very clearly what end is in sight. Matthew Arnold had little grasp of social eventualities. He knew clearly enough what attitude of mind he desired to produce, and still more clearly the middle-class attitude of mind that he abhorred; but he did not grasp the fact that education must be closely adapted to the material available, and that to achieve results it is even more important to know what instincts you have to act upon than what result you would desire to produce.

Matthew Arnold was made Professor of Poetry at Oxford in 1857, and held the post for ten years. His discourses were elegant and stimulating, but made no great mark on the literary history of the period. His official life lasted until 1886; but he found time to play a considerable part in the social life of his day. He was a welcome and honored guest in all societies; and in later life he made a lecturing tour in America, where his great ineffectiveness as a lecturer only emphasized the enthusiastic respect and admiration with which he was everywhere received.

The last time I ever saw him was in 1887, at Windermere Station. He appeared to be in the very flower and vigor of a strong and dignified age; but he died six months afterward, from the effects of hurrying to catch a tram-car in the streets of Liverpool, at the age of sixty-five. This swift and painless close to a life full of activity and social enjoyment was but the last of the felicities which attended him from birth to death.

As a literary critic Matthew Arnold was fanciful and even whimsical. But this is a small matter in face of his urbanity, his exquisite taste, and his delicacy of perception. He may be said to have inaugurated, or at all events to have given prestige to, a new school of criticism. The old-fashioned *saugrenu* theory of criticism—the criticism of Lord Macaulay and the Edinburgh Reviewers—is slowly, it may thankfully be believed, dying a natural death. There were two modes of criticism extant in the earlier part of the century, and it is hard to say which is the more futile. The benevolent critic classified authors, and placed them in lists, like Tripos lists, in classes and brackets; authors

had to be compared and pitted one against another. If poetry was in question, another class-list was brought out, say of elegies: "Lycidas" came out first, Gray's "Elegy" second, and so on. The stricter method was to sit in judgment, and to pronounce what was right and what was wrong. The critic was a judge, and authors were arraigned before him. If an author was approved, he was acquitted without a stain on his character; if he was disapproved of, he was taken to task as a nuisance to society, and received a harsh and ignominious sentence, with every sort of wounding ridicule that could be heaped upon him. It was an attempt, a conscientious and complacent attempt, to establish standards; but it overlooked the fact that criticism is ultimately based upon individual opinion, and that opinion shifts its channels. The most that one can say is that, if a book approves itself to generation after generation, and satisfies both trained and untrained opinion, it probably has some quality which corresponds to an instinctive sense of beauty in the human mind. But there is no scientific standard instantly applicable in the case of contemporary work. Dr. Johnson was a shrewd and perceptive judge of certain qualities in literature, but the fact that he thought the *Pilgrim's Progress* a stupid and barbarous book does not make Johnson a bad critic or the *Pilgrim's Progress* a bad book. All that the most acute critic can do is to discern qualities in a writer that are likely to prove congenial to cultivated minds and hearts. It is the same with natural objects. One cannot say that the Matterhorn is a beautiful mountain and Monte Rosa an ugly mountain. What one can do is to perceive that the Matterhorn has certain arresting qualities, which for some unknown reason are likely to continue to appeal to the human imagination. When one comes to individual books, it is no more possible to explain why one is beautiful than to explain why human beings like mutton and do not care for horseflesh. All writers, all books, all poems are unique; and it seems gradually dawning upon men that the true function of criticism is only that of discerning and interpreting excellence, and that the only comparison worth making is the comparison between a writer's intention and his performance.

Matthew Arnold had strong preferences of his own. He did not care for Shakespeare, Tennyson, Shelley, Keats, or Thackeray. On the other hand, he had a taste for discover-

ing, and for praising almost extravagantly, little literary figures of no great significance. Amiel, Joubert, the two Guérins, were figures on whom Matthew Arnold conferred a prominence which they did not wholly retain. He liked a subtle and suggestive kind of moralizing; he sympathized with a melancholy outlook on the world. But in so far as he saw and felt the charm of these writers, and made others feel it, he discharged the true critical function. After all, the victory rests with the man who sees and feels beauty, not with the man who is unaware of it. The Guérins, in their slender way, were as beautiful as the purple toadflax on the crannied wall. They were not beautiful as the Matterhorn is beautiful; but they had a delicate quality of their own, and were perfect on a small scale. People who are touched and satisfied by the toadflax need not be scolded for not admiring the Matterhorn. It is more important to realize quality than to reverence scale. The critic who appraises is only a sort of auctioneer. The true critic is one who takes a theme, whether it be Maurice de Guérin or Shakespeare; sees its delicate outlines or its majestic curves, its sweetness or its majesty, its connection with life and death, its truth and its sincerity; and on this theme, large or small, soft or loud, he must create something organic, that in itself is a criticism of life.

There may, of course, be people who think it valuable and instructive, and even interesting, to have books marked and classified; and, if there is a demand, there is no sort of reason why literary salesmen should not discourse in public on these lines. But Matthew Arnold was not a critic in that sense, and he was a critic in the larger sense—in that he had his eye on life and his finger on the pulse of humanity—and thus set himself to criticize the strange fruit of human utterance, which is both a part of life itself, as well as its expression and reflection.

He was a critic in his seriousness, his disinterestedness, his desire to get at the meaning and essence of it all. He had a finely trained intelligence working on systematic lines. His great maxim in criticism was this: "I wish to decide nothing as of my own authority: the great art of criticism is to get oneself out of the way, and to let humanity decide. There he struck a very true note. The critic is a pleader, not a judge, and still less the epitome of a jury. His business is to present the case truthfully and lucidly, but the ultimate decision lies elsewhere. Arnold struck a true note in his book, *Culture*

and Anarchy, in which his point was to prove that lawlessness in art was the lack of proper deference to the authority of the cultivated persons; but even so, no deference to the individual critic can be demanded, because the individual cannot wholly discard his own preferences. Deference is due to a slowly accumulated body of cultivated opinion; and even when one has said that, one is little better off than before, because the only admiration that is worth anything is genuine admiration, and the admiration which is the result of deference to opinion is a perfectly valueless thing. What deference ought to make men do is to give literature a fair trial, and not to decide hastily; and if one disagrees with the verdict of the ages, to conclude that it is probably oneself that is deficient, and not that the ages had no right to their opinion.

A critic who did not agree with Matthew Arnold's judgments spoke acrimoniously of Arnold's belief in the well-known preference of the Almighty for University men. The criticism was not wholly undeserved. Behind Arnold's deliberate and instinctive urbanity there lurked a well-bred contempt for the mob—for all that was loud and violent and brutal and rude. But this was not the impotent rage manifested by weakness for good-humored strength, as by Miss Squeers for John Brodie, which is too often the attitude of the literary man. Arnold regarded the uncultivated as the lost sheep of the House of Israel. What he really did openly despise and dislike was the gross, robust, and complacent self-satisfaction of the middle-class—the Philistines, as he christened them—who despised ideas because they thought they had secured what was better worth having—a measure of material comfort. But the irony in which he indulged at their expense never made him unpopular, because he attacked, as a rule, the type, and not the individual; and when he did attack the individual, he seasoned his contempt with a deferential consciousness of his adversary's strength, and with diplomatic compliments. Even his ridicule was of a kind which ministered agreeably to his victims' vanity—to such an extent indeed that it rather confirmed them in a perversity which seemed so distinguished, than induced them to wish to alter their methods and opinions.

Arnold was thus not an appraiser of literary values, but a critic in the sense that he heightened and dignified the interest and the appreciation of art and literature; and a critic, in the larger sense, of his age, in the fact that he saw clearly

its strength and its weakness, and held up his flattering mirror to its smug and comfortable visage. Perhaps his best service of all was to show that a critic can be well-bred and urbane, and that he thus does far more for the cause that he has at heart than when his native irritability throws out malignant sparks at its contact with life, or when he vindictively punches to pieces some of the helpless and grotesque vermin of letters, in the spirit of the gardener who hewed the toad to bits, like Agag, saying that he would teach it to be a toad.

It is difficult to estimate what the precise effect of Matthew Arnold's religious opinions upon contemporary thought exactly was. He was in no sense a pioneer; he rather focussed a great amount of floating opinion, and expressed with grace, force, and simplicity what a good many cultivated people were thinking. "I *thrive* on religious exegesis," he once said to a friend who inquired after his health. His religion was a literary Pantheism, with a strong tinge of Christian Idealism. He could not accept as proved the doctrine of a Personal Divinity. Unfortunately, with his relish for phrases, he invented a new and extremely unattractive formula for a very simple idea. "The Eternal not-ourselves which makes for righteousness" was in its way a formula as disagreeably definite to agnostics as the technical statements of the Athanasian Creed, without the advantage either of the familiarity which leads simple people to overlook the precise significance of clauses which have become habitual, or of the venerable and emotional associations which gather round expressions that have been consecrated by religious solemnity. The ordinary man does not want to think of the Divine principle as a sort of electricity, of which the untamed manifestations are disastrous and the subdued uses beneficial, but all the workings of which are blind and mechanical. If the mysterious force behind the frame of things has anything so definite in view as right conduct, the human mind is more than justified in using a concrete symbolism, for the simple reason that it cannot think in abstractions. A human being, with its intense consciousness of what it means by the word "self," can hardly be trained to think of that self as being originated by any power which is not also personal. Indeed, the evolution of consciousness from unconsciousness is an unattainable thought. Our intense sense of our right to happiness inevitably leads us to interpret the events of life as being framed to develop that happiness, and our natural

optimism triumphs over unhappiness, by imagining that the disasters of life must somehow be intended to minister to ultimate content. Thus, on the constructive side, Matthew Arnold's theory must be held to have failed, because it provides no medicine for discontent and despair. If there is only a passionless force making for righteousness, if no alliance of the human will with that force is possible, then, however true the theory may be, there is no reason for attempting passionately to embrace it. It can have no value for humanity till it is proved to be true; and if it is proved to be true, it is a very discouraging business.

But where Arnold undoubtedly did help his generation was by showing thoughtful minds that they need not necessarily abandon Christian principles and Christian hopes because they could not believe whole-heartedly in ecclesiastical title-deeds. The modern critical position with regard to the miraculous element of Scripture is not that it is necessarily untrue, but that it needs more proof than the records can possibly furnish.

Matthew Arnold's view of Christ was very much what his view would have been of St. Francis of Assisi. Any one who reads the " Fioretti " of St. Francis must feel perfectly sure that there is a real human being behind the record. But when the narrator says that St. Francis's head threw out flames as he prayed, and that, when an inquisitive Brother came nearer to observe the phenomenon closely, St. Francis turned round and blew him with a breath to the other end of the room, no one can be compelled to believe the statement, or to give up his belief in the actuality of St. Francis if he disbelieves it. The obvious *bona fides,* the naïve simplicity of the " Fioretti," do not necessitate one's adherence to the belief that St. Francis reduced by a scolding the cannibal wolf of Gubbio into an affectionate kind of lap-dog. That did not seem impossible in an unscientific age. The real marvel would have been if St. Francis's recorded life had been unattended with such reported occurrences. Of course, the difficulty is where to draw the line, but the difficulty is more theoretical than practical. Matthew Arnold's view was that in the Gospel we have the history of a character of supreme moral insight and transcendent spiritual force, and that the great and noble principles of life uttered by Jesus of Nazareth could never lose their indisputable power and truth. It was, no doubt, an intense relief to many thoughtful minds to

find a man of high enthusiasm and stainless life saying frankly that no one need trouble his head about the legendary element of the Gospels, but also affirming that, on the other hand, the sayings of Christ afforded a final and ultimate standard of conduct and impulse. The mistake, he thought, was to try to deduce an ontological and dogmatic explanation of the world from sayings which combined the noblest kind of enthusiasm with the clearest perception of both moral beauty and truth. It is probable that Matthew Arnold, by saying with matchless lucidity and courage what many sincere but bewildered people were thinking, did retain in sympathy with religious ideas a great many desirous souls who had felt themselves confronted by the choice between ecclesiastical dogma and scientific materialism. He induced many semi-thoughtful people to regard the Bible with increased reverence and respect, as an inspiring manual of conduct, instead of abandoning it as an intolerable enigma. It is not, perhaps, a very living message now, because the type of persons to whom he gave consolation have moved into a different region, and are more interested now in problems of social reconstruction. Religious dogma has become a matter which mainly concerns denominational coteries; the words "heresy" and "schism" have lost their sinister consequences, and the tendency is rather to emphasize points of agreement than to ostracize points of dissidence. Indeed, it is almost impossible to reconstruct, even in imagination, the susceptibilities which broke out into flame over *Essays and Reviews*. And it may be said generally that Matthew Arnold helped his generation in the direction of clearness of thought, of facing problems sincerely and without irritability, and away from the peculiarly ecclesiastical product which confuses muddle with mystery, and supposes that the blessing given by the Saviour to Thomas was a blessing on credulity, rather than a tender warning against materialistic self-sufficiency.

The books which people write are interesting, I believe, in so far as they represent their tastes rather than their ambitions. The latter books have generally some pretentious emphasis, which is of rhetoric, not of nature, or some subtle suppression of opinion which makes the fabric insecure. The weakness of such books is that they are written to impress the world; and people who desire to impress the world generally judge it harshly or meanly, perhaps because they sus-

pect that their triumph implies the world's gullibility. Few poets, God be praised, have ever written in that spirit, even though they may yield to complacency afterward. Matthew Arnold's poems were certainly not written from that point of view. He published both his first volumes, *The Strayed Reveller* (1849) and *Empedocles on Etna* (1852) under the single initial "A." Both books fell so flat that they were withdrawn from circulation after a few copies had been sold. If he had lived entirely for ambition, that would have been a sharp lesson. I do not intend here to give a critical appreciation of the poems, except in so far as they illustrate character. They made no appeal to popular ears. They are intensely cultured, and have a certain Miltonic stiffness and bareness, in many lines, which require for their apprehension that a reader's taste should have been curbed and enriched by classical training. He made some experiments, notably in a sort of rhythmical prose, with a pulse of meter beating throughout. That it was not wholly successful is perhaps proved by the fact that it has had no imitators, except Mr. Mallock, who, in the *New Republic,* produced a similar poem which, if it had been a genuine work of the poet's, would have been faithfully, and rightly, accepted as a fine poem of the kind. Matthew Arnold wasted time, it may be whispered, in writing a play, "Balder Dead," where much emotion and high poetry are expended on a subject which never seems quite to burst into flame. He wrote a very noble narrative fragment, "Sohrab and Rustum," which is a splendid specimen of the self-conscious and elaborate epic, and touches the springs of life. Perhaps his best work was done in iambic and stanzaic lyrics, mostly of a gnomic type, full of finely crystallized maxims; while the romantic poem of the "Scholar-Gypsy" and the monody "Thyrsis," on the death of Clough, have taken rank among the great poems of the century. But the poems, as a whole, illustrate a melancholy habit of mind. Occasionally there are hints of a mournful passion, not sensuous, but spiritual, which seems held in check by a certain timidity and coldness of nature which dares not let itself go. The impression they give is that of a mind ill at ease, with an intense love of beauty, a desire for heightened living and zest, struggling with a nature which is hardly robust enough to live as it longs to live. Here, one says, is a spirit that feels the weariness more than the joy of life, and that checks itself again and again

on the threshold of experience, trying to school itself into tranquillity and philosophical peace.

The hand that wrote

> "Calm's not life's crown, though calm is well,"

must have been that of a man who felt that through some deficiency of vital force he could not afford to gratify his desires, and that his only chance of peace was to accept what he knew to be only second-best—namely, life on a lower plane, husbanded and guarded so that its resources may not be squandered. It is a nature which dreads the fight and the struggle, the elements which to coarser and stronger spirits, who do not trouble themselves about the wounds which they inflict, add zest to the things for which they fight. But there is a nobler quality than that in the background. The nature behind the poems is pre-eminently just, high-minded, and affectionate, born out of due time into a world which is still very far even from its conscious possibilities. The poems reflect an intense love of the earth—not the wild untamed earth of peak and forest, but the earth as subdued and replenished by man. The morality they teach is high and austere. Life is a pilgrimage of which the end is uncertain. There are beautiful things by the way, which the pilgrim sees with hungry heart and tears unsealed; and perhaps some kindly power hangs out signs of love and hope in wayside flowers and forest-aisles. But life, it would seem, must be a constant renunciation, with no hope of immediate reward. Not that men should wilfully abide in sadness—there is work to be done, there are tasks to be performed. If one desires to get the strongest possible contrast to Matthew Arnold, one may consider the poems of his contemporary, William Morris. Both men had the same intense love of man's handiwork. But Morris is full of the joy of life and work, while Arnold gazes mournfully on a life which it is impossible to enjoy, and work which it is unmanly to avoid.

Perhaps one gets nearest to Matthew Arnold's thought in the solemn reflectiveness of *Empedocles on Etna,* where the contrast is heightened by the boy's voice breaking in, like the song of the wayside bird. But to the soul-wearied tortured philosopher, planning a grave flight from a world in which it seems impossible to live wisely and calmly, all that radiant and careless joy is but one of the pathetic fetters which pinion the soul, and which must sternly be broken through.

The poems all belong to a period of unrest. Life had in store for Matthew Arnold a fuller message. He was to live and thrive, without ever drifting into comfortable materialism. He was to enrich the world by his gentle irony, his temperate example, his unsuspicious candor, and by the sweet reasonableness which he practised as well as preached. But the poetical impulse left him, not probably because he was busy, but because, as has befallen even the most otiose of poets, the nerves of perception and lyrical expression get dulled by the mere act of living; it becomes not worth while to express in dancing and tinkling measures such very temperate raptures! And so he sank, not into silence indeed, but into the congenial task of pleading more prosaically and directly, with an unreasonable world.

When one comes to survey the life and character of Matthew Arnold, one is struck at once by the curious set of contrasts which it displays. His grand manner, his social brilliance, his love of appearances and high consideration, do not seem to correspond to the extreme homeliness of his letters, which are, perhaps, the tamest documents—for all their goodness and kindness—ever penned by a man of genius: they are so much concerned with the details of life, with the food he ate, the names of the people he met, his trivial adventures, that, taken by themselves, one might imagine them to be the work of a capable, kindly, and intelligent commercial traveler. There is no enthusiasm, no discontent, and an almost total absence of ideas about them. But at least his extreme and deep-seated modesty comes out. He speaks in one passage of the fact that is borne in upon him every year that he lives—that success as a writer is far more a matter of good fortune than genius, surrounded, as every writer is, by hosts of intelligent and capable people, all aiming at the same sort of success. That is a very wise and mellow maxim; but it is the last thing that a casual stranger meeting Matthew Arnold, in all his princely condescension, would have credited him with feeling. Then, too, behind this easy and distinguished life, there looks out from the poems the eager, dissatisfied, unhappy spirit, only craving for peace, and unable by any device to compass it. Yet, looking at the facts, even his overwhelming sorrows—his three sons died in boyhood—seem to have been gently borne. It is difficult to bring all these strands together. There appears at first sight a duality of disposition, a nature that

agonized in the deeps of thought, and a nature that could live easily and cheerfully in daily life. My own belief is that he was one of those rare spirits who had really disciplined his life into patience and acquiescence out of feverish discontent and limitless dreams. He had realized, as all poets do not realize, that, apart from visions and reveries, there is a very real and simple life of duty and family ties and intellectual enterprise that must be courageously and genially dealt with. He had a very noble and simple nature, incapable of meanness, or suspicion, or resentment. He found, I believe, that the one certain way to misunderstand humanity is by intellectually despising it, and that the life of the mind, prospective as it must be, must not be allowed to interfere with the present and urgent life of the heart. He was not, I think, a sagacious political prophet. The refined Whiggery, which he picked up under Lord Lansdowne, obscured his view, while the constitution of his mind made him incapable of recognizing or sympathizing with the rough and vivid hopes of democracy. His political judgments are, indeed, quite singularly inept. Neither had he any constructive social power. His educational ideals are pedantic and bureaucratic; but he had a real love of his fellow-men and a great tolerance for their weaknesses. If they did not flock into his intellectual fold, he yet was a friend of liberty, and struck some shrewd blows at stupidity, complacency, commercial religion, and vulgarity. And when he was swiftly summoned from the life he loved so well, the world lost not a warrior or a prophet, but a man who had lived faithfully and guilelessly, a wise and tender critic who had held up a faithful mirror to the faults of his time, and had done much to interpret and enforce the beauty and significance of thought and emotion and uplifted life. In one of his poems he says that *esteem* and *function* are the only merits which death allows. And these he had indeed, when his body was laid to rest, of purest quality and in fullest measure.

ARTHUR C. BENSON.

NEW BOOKS REVIEWED

FICTION

THE NEW MACHIAVELLI. By H. G. WELLS. New York: Duffield & Co., 1911.

H. G. WELLS occasionally writes, we will not say, a great novel, though we were tempted to say that of *Tono-Bungay,* but a big novel. After he has written one he unbends, and writes two or three small ones while he prepares for the next big effort. The big effort in the present case is *The New Machiavelli,* one of Wells's ablest productions, and a book that gives us food for thought. As Mr. Bennet in *Clayhanger,* so Mr. Wells here gives us in all its lamentable ugliness and sordidness the picture of the life of a young Englishman of the lower middle class, but of a young man of intellectual vigor, one who thought in terms of "harbors and shining navies, great roads engineered marvelously, jungles cleared and deserts conquered, the ending of muddle and diseases and dirt and misery, the ending of confusion that wastes human possibilities." If one desired to sum up Mr. Wells's plea in a word one would say that in this book he tried to bring home to our consciences our shocking prodigality with human life and happiness. We are careful of wealth, of forests, of water-supplies, of national glory; we are even beginning here and there to be careful of health. But we waste human beings, and we waste human happiness.

"The line of human improvement and the expansion of human life," writes Mr. Wells, "lies in the direction of education and finer initiatives. If humanity cannot develop an education far beyond anything that is now provided, if it cannot collectively invent devices and solve problems on a much richer, broader scale than it does at present, it cannot hope to achieve any very much finer order or any more general happiness than it now enjoys. . . . If those who have power and leisure now and freedom to respond to imaginative appeals cannot be won to the idea of collective self-development, then the whole of humanity cannot be won to that." Mr. Wells goes on to state in the person of his hero that his general conception of politics is a conception of the constructive imagination working upon the vast complex of powerful people, clever people, enterprising people, influential people, amidst whom power is diffused to-day, to produce that self-conscious, highly selective, open-minded, devoted, aristocratic culture, which seems to be the necessary next phase in the development of human affairs. Human progress, as he sees it, is no longer to be the spontaneous product of crowds of raw minds swayed by elementary needs, but a natural and elaborate result of intricate human interdependencies, of human energy and curiosity liberated and acting at leisure, of human

passions and motives, modified and redirected by literature and art. In short, Mr. Wells, who was once a Socialist, is now making a strong plea for an aristocracy of brains and talent, with the personal freedom which would be the natural concomitant of such a development. Of the immediate results of such personal freedom he gives us an example in the present story, where the hero sacrifices career, renown, future, and wife to an illicit passion. Mr. Wells does some excellent special pleading in his hero's behalf, but to those older than Mr. Wells there still seems to be no moral law more comprehensive than Kant's: "Let every act be such that it might become a moral law"; there is no desirable freedom which hurts and cripples another. Also one questions whether these passions which men plead for as so necessary to personal development would not offer just as much development if restrained, nobly restrained, for the sake of a more general welfare. At any rate, Mr. Wells's book covers a vast deal of ground: pictures of London suburbs in the last half of the nineteenth century, the political life of to-day, innumerable portraits of men and women, and scenes of social and political life. Mr. Wells brings a brilliant and active mind to his work, but no one more than Mr. Wells suggests the thought that intellect is only one part of a man's endowment, and that there are other and more profound regions in the human soul.

THE PATRICIAN. By JOHN GALSWORTHY. New York: Charles Scribner's Sons, 1911.

The Patrician is a very subtle study in the flaws and limitations of the patrician temperament, and it is the more convincing because it is generous. No one of the present generation of adults has looked at the English gentleman with a keener and more impartial eye than Mr. Galsworthy. From the *Island Pharisees*, the *Man of Property*, the *Country House*, on to this book he has quietly, truthfully, and handsomely portrayed his country people, nothing extenuated nor aught set down in malice.

There may be a little less distinction, a little less of the keen satire for which we have loved Mr. Galsworthy in this volume, but there is undoubtedly an enthralling canvas none the less. Lady Casterley, the grandmother of Lord Miltoun, a little lady in whose personality lay the tremendous force of accumulated decision, "the inherited assurance of one whose prestige had never been questioned," is a bit of portraiture as distinctive as a Velasquez, and in another *genre* Susie is as delightful a drawing of childhood. As against the doubting and dissembling loves of Miltoun and Mrs. Noel we have the less painful affair of Lady Barbara and Courtier. There is something in the picture of Courtier which continually reminds one of Bernard Shaw; one can fancy him in much the same way riding off from a love-affair not too hard hit to renew his interest in the impersonal life.

The Patrician as a story is more nearly a bit of literature than anything in English fiction of this year that has reached us. It has charm, distinction, interest, and gives an intimate glimpse into English political life.

QUEED. By HENRY SYDNOR HARRISON. Boston: Houghton Mifflin Company, 1911.

A book that opens with such gross offenses to the English language and

to personal taste as does this one can hope for but little mercy from any reviewer with standards in either matter.

The first few pages supply us with the following excerpts:

"She had enough height to save that, but it was the narrowest sort of a squeak."

"Semple and West's was understood to be cleaning up a tolerable lot of money per annum."

"The homeward march of tired humans" (an unpardonable and offensive mistake, however newspaper use may sanction it).

He "was no shakes at crossing streets."

"The fire-alarm thing scared him crazy" (supposed to be the speech of a well-bred lady).

"Who under heaven reads Comte nowadays?" "Not me" (the well-bred lady again).

"Your dog ran amuck and began butting perfect strangers all over the place."

"You could make the money," says a young lady to a casual acquaintance, "and let me spend it for you."

And he:

"You'd want nothing better than to curtsy and kowtow where I flung out a gracious order."

Doubtless the author and publisher's reader felt that this style lent vivacity to the book. To the reviewer it lent nothing but momentary disgust and a great unwillingness to continue the volume. "Why is it," asked a distinguished foreign critic, "that all American novels are common—common spelled with a capital 'C' and then italicized and stressed?" The volume under discussion really throws a light on the question. It is easy to see that the book is the product of a culture bred upon newspapers and an æsthetic sense derived from a prolonged experience of third-rate boarding-houses.

Even the great Keats, with his exquisite sensibility for the figures on Grecian vases—seen, alas! only in a book of prints—once or twice describes a red and black table-cloth, a diamond jar, and a love who, like "a milk-white lamb, bleats for man's protection." Such flaws were the price he paid for being born an apothecary's assistant and living in the Early Victorian era. Also one can forgive anything to a man who reminds us of the "surgy murmurs of the lonely sea," and who says, "Darkling I listen!" The present author's highest flight of imagination in the matter of interior decoration is a "pretty, turkey-red table-cloth." To say all the worst things at once and have it over, the novel is made up of a newspaper view of life. The wit is much on the order of the tidbits entitled "Reflections of a Bachelor" which occupy a small space each Sunday in some papers. Such charming and original gems as:

"Her face . . . had in its time given pleasure to the male sex and some food for critical conversation to the female."

"No matter how well a woman looks to the untrained or man's eye, she can always put in some time pleasurably fixing her hair in the back."

"Fixing her hair," although to fix usually means to fasten and render motionless, is a favorite phrase of the author's as well as a favorite occupation of his heroines. Enough! The book has a great deal in common with the comic supplement and pink pictures of certain Sunday editions,

and since these editions sell widely, so also, doubtless, will this book. The surprising thing is that a firm of its publisher's standing should be upholding it with so great enthusiasm. The book is underbred from cover to cover. It is compact of provincial outlook, vulgar tone, flippant thinking, and sordid living.

There is no offense against morals in the book. Indeed, it is almost pathetic to realize what fair and decent morals may go hand in hand with execrable taste, imperfect acquaintance with the mother tongue, and vapid sentimentality. When sordid and common life is set down in all its sorrowful truth and careful detail by a man who knows it for what it is, as was done by Arnold Bennett in *Clayhanger*, or by Sudermann in *Das Hohe Lied*, or by Maupassant in *Une Vie*, it performs a function. It purges our hearts by means of pity, if not of terror. But set down by one who evidently feels it a goal, an ideal, a fair transcription, it can do nothing but lower all ideals.

One often feels in comparing our own fiction with foreign fiction that wickedness may have its purpose. The Middle Ages were full of wickedness, murder, bloodshed, wars, but also full of the great purging spiritual virtues. High emotions wait upon great actions, good or bad, and out of sorrow and remorse comes renewal of spirit. But what is to come out of sordid twaddle and jejune sentimentality?

THE COLONEL'S STORY. By MRS. ROGER A. PRYOR. New York: The Macmillan Company, 1911.

It is pleasant to turn from a book like *Queed* to a book like *The Colonel's Story*. It is like emerging from the fly-specked dining-room of a fifth-rate boarding-house into a lady's drawing-room. One breathes more freely, and one remembers that there is still a remnant in our land of the old and high régime; a day when ladies spoke and behaved like ladies and when, as the Colonel told the little Dorothea, her motto was *noblesse oblige*, and "that means that she is called upon to deny herself many things allowed humbler people and be at all times high and noble."

The Colonel's Story is a simple tale of old Virginia homes and manners and of an old Virginia gentleman who broke his heart because he loved a fair lady who loved another. It may not be a true tale, for long ago a good authority upon human life told us that "men have died, but not for love." But it is not for the story that we welcome this charming book by Mrs. Pryor. It is for its atmosphere, its high and noble breeding, its beautiful spirit, its historic value. It gives us a vivid picture of that lovely country of Virginia "befo' de wah." Was it ever as poetic, as ideal, as lovely as it lives now in the memories of those whose childhood days were then? Perhaps the very fact that the sordid details have been glossed over by time adds truth to the essential picture. At least we can say, "Here were the ideals of a certain race and a certain era." Our own land offers nothing lovelier.

Mrs. Pryor's power of characterization is excellent. Her characters—Anne Page, Shirley and Dorothea Berkeley, the Colonel, the doctor, Douglas Newton—all stand out and have reality and individuality. Her wit is sprightly and graceful and she has everywhere the great, the indefinable, the

much-harped-on quality—charm. Who would be introduced to Virginia of the old régime is fortunate to live in the day when Mrs. Roger Pryor can still perform the introduction.

THE LEGACY. By MARY S. WATTS. New York: The Macmillan Company, 1911.

This is a book to treat with seriousness and respect. Our democracy has cultivated in us a certain distrust for fine words and an accompanying reverence for all facts. To such tendencies in our development Mrs. Watts contributes. She speaks of her heroine as "cool-hearted and cool-minded," and only a very restrained and cool-minded author could have created Letty. We have to deal here with a sophisticated writer who has a firm sense of reality, a moral abhorrence of romantic heightening and sentimentality, a *flair* for fact. Letty is the offshoot of a degenerate aristocracy; one of those American families inordinately proud of themselves without very weighty reasons; a tribe given to fine words and elaborate manners, yet not above borrowing money with no particular surety as to eventual payment or above scraping through life with the minimum of effort. Letty has in her another strain. She is pre-eminently self-respecting. She does not prefer hard work, but she prefers it to dependence upon those upon whom she has no claim. Her "legacy" is an old portrait of a great-great-aunt whose name is never breathed in the family because there is some scandal and a separation from her husband connected with it. A curious likeness between Letty and the portrait of the naughty ancestress exists, and in Letty's mind there is always a quiet comparison between her own character and that of the lady of the portrait. Circumstances save Letty from the grosser sins, but she herself faces firmly the unadorned facts that she married her first husband for a home, her second husband for money and comfort. Also she considered the possibility of being faithless to the first husband, although she stopped short of the deed. On the other hand, she worked hard; she earned her living honorably when she had to; she was kind and fair, and cultivated justice, fortitude, and endurance. She had the virtues of strength and sophistication. She knew herself and never saw herself in a haze of romantic glamour. Because she knew herself she was merciful to others.

This is a new type of heroine, born of our deep-rooted reverence for facts. We feel no glow of emotion about her, but we know she would be comfortable to live with and honest in her dealings. Perhaps people are looked at more and more to-day as factors in the great social organism, and in such organism none could say that Letty would be a destructive or inimical factor.

The key-note of Mrs. Watts's style is restraint and quietude. She draws her characters firmly and without partiality. "So they moved before my vision" she would seem to say, "and just what I saw without prejudice and without passion that I give to you again."

DER NARR IN CHRISTO-EMANUEL QUINT. By GERHART HAUPTMANN. Berlin: S. Fischer, 1910.

Few poets of modern Germany have reflected in their works the dualism of their souls as clearly as Gerhart Hauptmann. He has faithfully tried

to reconcile his idealism, which is inherent, with the naturalism of his works, which is adventitious. But no motive rings more persistently through his works than that of the Christ-love for his fellow-beings, of pity for the needy and the sorrowing. Upon this sentiment was founded the short story called *Der Apostel* which was published fifteen years ago; it became the key-note of what may be considered his greatest work, *Hannele;* it called forth the best work of his gradual decadence, *Der Arme Heinrich,* and it has become the theme of his first long novel, *Der Narr in Christo-Emanuel Quint.*

The story of the hero, an innocent dreamer so filled with the spirit of Christ as to seek instinctively the realization of His kingdom upon earth, is native to the soil of the poet's province. Shut in from childhood in the dingy walls of his wretched hut with no one around him but his family, slaves of the loom as himself, the Silesian weaver drifts into an introspection which breeds religious exaltation. The Bible being the only book in his possession, he imbibes its contents until its world is more real and familiar to him than the world outside, to him remote and intangible. Thus has the poet himself indicated the forces that shape characters like Emanuel Quint and summed up the facts that inspired him to write that story. From the day when the pale, freckled youth first mounts a rock in the market-place of a little hamlet to preach to the populace, warning the wealthy not to abuse their power over the poor and consoling the latter with the coming of the kingdom when all would be brothers and sisters, the career of Hauptmann's hero is that of a visionary, seeking naught but a far-off goal sacred to him, but abhorrent to the multitude. Like all dreamers, he finds disciples and the miracles he works, innocent manifestations of magnetic or hypnotic powers that always have a touch of mystery, make converts all along the course of his peregrinations through the country. There are those that flock to him because of their spiritual affinity to the pious dreamer, those that seek him from curiosity, and those that come merely to bask in the sun of his popularity, and when it sets abandon him. Like all champions of new and strange creeds, he encounters violent opposition both from the hair-splitting sectarian differing from him in details and from the established church condemning him on general principles.

These varied experiences furnish the episodes of the plot. This plot, however, is mainly concerned with the growth of the hero's consciousness of his mission beginning as a mere tool of the Christ spirit to his ultimate weak declaration at the moment of his defection that he is Christ himself. Hauptmann does not spare his hero the temptations of the flesh, but in relating such incidents is singularly discreet. True to the exalted ideal that inspires Emanuel Quint, he remains throughout the story a Galahad. Nor does the poet ignore the pathological view that can be taken of his state of mind. But he only suggests it in the reflections of some physicians who have had an opportunity to observe his hero and are eager to enroll and label him according to some formula of Nordau, Lombroso, or Krafft-Ebing. The portrayal of the character has not one false note; it is throughout admirably consistent. So is the record of Emanuel Quint's fate, logically culminating in his imprisonment on the charge of an atrocious crime committed by one of his converts; his aimless wanderings after he has been discharged and his final disappearance in the eternal snows of the Alps.

In the ups and downs of Gerhart Hauptmann's career this work means a high-water mark. Would it had not been followed by such a revolting relapse into unrelieved naturalism as that of his Berlin tragi-comedy "Ratten," which presents nothing but scenes of utter depravity and sordidness. For *Der Narr in Christo* is a well-balanced and well-rounded work with none of the disconcerting traces of haste or indifference which marred his recent plays, giving food to adverse criticism and alarming his admirers. The poet has bestowed evident care even upon the many minor characters of this book. His portrait of Bohemian Joe, a filthy, thievish individual of curiously primitive religious instincts, is an excellent specimen of his gift of characterization. The description of the rickety hut in the mountains on the boundary of Prussia and Austria, the hiding-place of smugglers and other lawbreakers, and the pictures of poverty and misery among the drudging, starving weavers—all these are naturalistic in manner, but not repulsive. Nor has the poet failed to offset them by scenes of a more idyllic character, as those in the parson's and the teacher's homes. Occasionally he has even struck a note of genuine humor, as in the encounter of Emanuel Quint and his disciples with a boorish, though good-natured, tourist resenting their solemn demeanor. The spirit of the book is profoundly serious and sincere, and the language has the rhythm of noble dignity. The work is proof of earnest artistic endeavor in the service of a great ethical purpose, and with *Hannele* establishes Gerhart Hauptmann's position in the world of German letters as more than merely a literary quantity.

OBERLIN. By FRITZ LIENHARD. Stuttgart, Grenier & Pfeiffer, 1910.

That Fritz Lienhard, who some years ago attempted to counteract the growing cosmopolitanism of the young generation by pleading for a literature indigenous to the soil, should sometime himself write a book distinctly racy in quality, was to be expected. But that the champion of this *Heimatskunst,* whose work as critic and as editor is of so much greater merit than his poems and his plays, would give us a work of fiction, so cleverly woven out of threads of biography and history as to form a real *Kulturroman,* a novel picturing a cultural epoch, has come as a surprise even to his admirers.

Lienhard's *Oberlin* is a story of the French Revolution as it affected his native province, and its spiritual center the noted teacher and divine whose name survives in an American college and in a measure may have inspired its work. Not directly an actor in the drama of human destinies set against this interesting background, Oberlin is rather an indirect power guiding the actions of other *dramatis personæ.* The real hero of the novel is a young pedagogue tutoring the sons of a nobleman, and in this capacity coming into contact with the society of rank, wealth, and culture. The center of the circle at Birkenweier is the blind poet Pfeffel; friends of Goethe are among the visitors, and out of frequent references to illustrious contemporaries the reader gets, as in a distant perspective, a view of the intellectual life of Germany at that period. In conversation with his young friends Pfeffel calls attention to the simultaneous appearance of men whose mission is to give the rising generation spiritual truths. For he had been born in 1736, four years before the year that gave birth to the poets Claudius and Jacobi, to the mystic Jung-Stilling, to the preacher and

physiognomist Lavater and to Oberlin; and five years later were born the educators Campe and Pestalozzi. Thus while in France the revolution was attempting to regenerate the State, these Germans, Swiss, and Alsatians were absorbed in the spiritual regeneration of the individual.

This statement of the poet, now long forgotten with other minor lights of German classicism, is the burden of the book. Not from without, but from within, comes real growth to the individual, as to society. Although the hero owes much to the charming French marquise who first made him forget class distinctions and made him feel his worth as a human entity in aristocratic Birkenweier, and although his democratic consciousness was greatly strengthened during his historical studies in Jena under Schiller and his life in revolutionary Strassburg, the power that determines his attitude toward the problems of his time and brings maturity and stability to his wavering irresolute mind, is Oberlin. This ideal pastor, in whose haven of rest at Steintal those characters of the story reassemble who have survived the tempest of the revolution and found consolation for the defection of personal ambitions in social and political ideals, has all the time stood above partisan strife. He seeks a reconciliation of aristocracy and democracy upon a more spiritual plane of existence. This idea differentiates the book from other historical fiction dealing with the great Revolution. The Alsatians were at heart loyal to the monarchy, though not blind to its mistakes. They wanted not a republic, but a constitutional monarchy. Thus they condemned absolutism as emphatically as radicalism. The figure of Dietrich, the mayor of Strassburg, intellectual, versatile, progressive, but unable to follow the revolutionary current to its ultimate end, is so sympathetically and strongly outlined as to leave a lasting impression in the reader's mind.

Out of the turbulent sea of humanity that surges through this part of the book a variety of clearly defined figures stands out with remarkable force. Religious, social, and political dissensions have sharpened the features, individualized even commonplace types. The hero's Protestant father, a gardener of radical opinions, has a violent clash with his tenant, a Catholic baker. The reign of terror is presided over by a whilom priest, a splendid portrait of a demagogue. The hero himself, the pedagogue, Victor Hartmann, given more to philosophical and ethical meditation and to didactic discourse than to action, obeys the call to arms and works out his salvation in the tumult of the times. When he arrives at Steintal the reader feels that this had been his destination through all the years of his development. In his portraits of women Leinhard is less successful. With the exception of the marquise, who is a fascinating embodiment of the high-strung emotionalism and the elastic morality of the period, the women are not strongly enough individualized, those of the same rank bearing an unfortunate family resemblance. But they are all limned with sympathy, if not with insight, into their finer and less apparent qualities.

The style of Lienhard is remarkably plastic. In the idyllic still life of Birkenweier, with its innocent flirtations and its exalted friendships, it reaches an almost lyrical note; in the scenes at Strassburg it is of a forcible realism. The story stands apart from contemporary German fiction not only by its sane conservatism, but also by the even rhythm and almost impersonal tenor of the narrative. It conveys a picture of Alsace in the Revolution through the lens of modern classicism.

"UNDER WESTERN EYES"*

BY JOSEPH CONRAD

CHAPTER XI

RAZUMOV, thus left to himself, took the direction of the gate. But on this day of many conversations he discovered that very probably he could not leave the grounds without having to hold another one.

Stepping in view from beyond the lodge appeared the expected visitors of Peter Ivanovitch in a small party composed of two men and a woman. They noticed him, too, immediately, and stopped short as if to consult. But in a moment the woman, moving aside, motioned with her arm to the two men, who, leaving the drive at once, struck across the large neglected lawn, or rather grass-plot, and made directly for the house. The woman remained on the path, waiting for Razumov's approach. She had recognized him. He, too, had recognized her at the first glance. He had been made known to her at Zurich, where he had broken his journey while on his way from Dresden. They had been much together for the three days of his stay.

She had on the very same costume in which he had seen her first. A blouse of crimson silk made her noticeable at a distance. With that she wore a short brown skirt and a leather belt. Her complexion was the color of coffee and milk, but very clear; her eyes black and glittering, her figure erect. A lot of thick hair, nearly white, was done up loosely under a dusty Tyrolese hat of dark cloth which seemed to have lost some of its trimmings.

The expression of her face was grave, intent; so grave that Razumov, after approaching her close, felt obliged to smile. She greeted him with a manly hand-grasp.

"What! Are you going away!" she exclaimed. "How is that, Razumov?"

"I am going away because I haven't been asked to stay," Razumov answered, returning the pressure of her hand with much less force than she had put into it.

She jerked her head sideways like one who understands. Meantime Razumov's eyes had strayed after the two men. They were crossing the grass-plot obliquely without haste, looking straight before them at the house. The shorter of the two was buttoned up in a narrow overcoat of some thin gray material which came nearly to his heels. His companion, much taller and broader, wore a short close-fitting jacket, and tight trousers tucked into shabby top-boots.

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The woman, who had sent them out of Razumov's way, apparently, spoke in a businesslike voice.

"I had to come rushing from Zurich on purpose to meet the train and take these two along here to see Peter Ivanovitch. I've just managed it."

"Ah! indeed," Razumov said, perfunctorily, and very vexed at her staying behind to talk to him. "From Zurich—yes, of course. And these two, they come from . . ."

She interrupted without emphasis:

"From quite another direction. From a distance, too. A considerable distance."

Razumov shrugged his shoulders. The two men from a distance, after having reached the wall of the terrace, disappeared suddenly at its foot as if the earth had opened to swallow them up.

"Oh, well, they have just come from America." The woman in the crimson blouse shrugged her shoulders too a little before making that statement. "The time is drawing near," she interjected, as if speaking to herself. "I did not tell them who you were. Yakovlitch would have wanted to embrace you."

"Is that he, with the wisp of hair hanging from his chin, in the long coat?"

"You've guessed aright. That's Yakovlitch."

"And they could not find their way here from the station without you coming on purpose from Zurich to show it to them. Verily, without women we can do nothing. So it stands written and apparently so it is."

He was conscious of an immense lassitude under his effort to be sarcastic. And he could see that she had detected it with those steady brilliant black eyes.

"What is the matter with you?"

"I don't know. Nothing. I've had a devil of a day. All day long."

She waited with her black eyes fixed on his face. Then:

"What of that? You men are so impressionable and self-conscious. One day is like another, hard, hard, and there's an end of it till the great day comes. I came over for a very good reason. They wrote to warn Peter Ivanovitch of their arrival. But where from? Only from Cherbourg on a bit of ship's note-paper. Anybody could have done that. Yakovlitch has lived for years and years in America. I am the only one at hand who had known him well in the old days. I knew him very well indeed. So Peter Ivanovitch telegraphed asking me to come. It's natural enough, is it not?"

"You came to vouch for his identity?" inquired Razumov.

"Yes; something of the kind. Fifteen years of a life like his make changes in a man. Lonely like a crow in a strange country. When I think of Yakovlitch before he went to America—"

The softness in the low tone of these words caused Razumov to glance at her sideways. The black eyes were looking away; she had plunged the fingers of her right hand deep into the mass of nearly white hair and stirred them there absently. When she withdrew her hand the little hat perched on the top of her head remained slightly tilted, with a queer inquisitive effect, contrasting strongly with the reminiscent murmur that escaped her.

"We were not in our first youth even then. But a man is a child always."

Razumov thought suddenly, "They have been living together." Then aloud:

"Why didn't you follow him to America?" he asked, point-blank.

She looked up at him with a perturbed air.

"Don't you remember what was going on fifteen years ago? It was a time of activity. The revolution has its history by this time. You are in it and yet you don't seem to know it. Yakovlitch went away then on a mission; I went back to Russia. It had to be so. Afterward there was nothing for him to come back to."

"Ah, indeed," muttered Razumov, with affected surprise. "Nothing!"

"What are you trying to insinuate?" she exclaimed, quickly. "Well, and what then if he did get discouraged a little? . . ."

"He looks like a Yankee with that goatee hanging from his chin. A regular Uncle Sam," growled Razumov. "Well, and you? You who went to Russia? You did not get discouraged."

"Never mind. Yakovlitch is a man who cannot be doubted. He, at any rate, is the right sort."

Her black, penetrating gaze remained fixed upon Razumov while she spoke and for a moment afterward.

"Pardon me," Razumov inquired, coldly, "but does it mean that you, for instance, think that I am *not* the right sort?"

She made no protest. gave no sign of having heard the question; she continued looking at him in a manner which he judged not to be absolutely unfriendly. In Zurich, when he passed through, she had taken him under her charge in a way, and was with him from morning till night during his stay of two days. She took him round to see several people. At first she talked to him a great deal and rather unreservedly, but always avoiding strictly any reference to herself; toward the middle of the second day she fell silent, attending him zealously as before and even seeing him off at the railway station, where she pressed his hand firmly through the lowered carriage window and, stepping back without a word, waited till the train moved. He had noticed that she was treated with quiet regard. He knew nothing of her parentage, nothing of her private history or political record; he judged her from his own private point of view as being a distinct danger in his path. Judged is not, perhaps, the right word. It was more of a feeling, the summing up of slight impressions aided by the discovery that he could not despise her as he despised all the others. He had not expected to see her again so soon.

No, decidedly; her expression was not unfriendly. Yet he perceived an acceleration in the beat of his heart. This conversation could not be abandoned at that point. He went on in accents of scrupulous inquiry.

"Is it, perhaps, because I don't seem to accept blindly every development of the general doctrine—such, for instance, as the feminism of our great Peter Ivanovitch? If that is what makes me suspect, then I can only say I would scorn to be a slave even to an idea."

She had been looking at him all the time, not as a listener looks at one, but as if the words he chose to say were only of secondary interest. When he finished she slipped her hand, by a sudden and decided movement, under his arm and impelled him gently toward the gate of the grounds. He felt her firmness and obeyed the impulsion at once just as the other two men had a moment before obeyed unquestioningly the wave of her hand.

They made a few steps like this.

"No, Razumov, your ideas are probably all right," she said. "You may be valuable—very valuable. What's the matter with you is that you don't like us."

She released him. He met her with a frosty smile.

"Am I expected then to have love as well as convictions?"

She shrugged her shoulders.

"You know very well what I mean. People have been thinking you not quite whole-hearted. I have heard that opinion from one side and another. But I have understood you at the end of the first day . . ."

Razumov interrupted her, speaking steadily.

"I assure you that your perspicacity is at fault here."

"What phrases he uses!" she exclaimed, parenthetically. "Ah, Kirylo Sidorovitch, you like other men are fastidious, full of self-love and afraid of trifles. Moreover, you had no training. What you want is to be taken in hand by some woman. I am sorry I am not staying here a few days. I am going back to Zurich to-morrow and shall take Yakovlitch with me most likely."

This information relieved Razumov.

"I am sorry, too," he said. "But, all the same, I don't think you understand me."

She released his arm. He breathed more freely; but at the last moment she asked:

"And how did you hit it off with our Peter Ivanovitch? You have seen a good deal of each other. How is it between you two?"

Not knowing what answer to make, the young man inclined his head slowly.

Her lips had been parted in expectation. She pressed them together and seemed to reflect.

"That's all right."

This had a sound of finality, but she did not leave him. It was impossible to guess what she had in her mind. Razumov muttered.

"It is not me that you should have asked that question. In a moment you shall see Peter Ivanovitch himself and the subject will come up naturally. He will be curious to know what has delayed you so long in this garden."

"No doubt Peter Ivanovitch will have something to say to me. Several things. He may even speak of you—question me. Peter Ivanovitch is inclined to trust me generally."

"Question you? That's very likely."

She smiled half serious.

"Well—and what shall I say to him?"

"I don't know. You may tell him of your discovery."

"What's that?"

"Why—my lack of love for . . ."

"Oh, that's between ourselves," she interrupted; it was hard to say whether in jest or earnest.

"I see that you want to tell Peter Ivanovitch something in my favor," said Razumov, with grim playfulness. "Well, then you could tell him that I am very much in earnest about my mission. I mean to succeed."

"You have been given a mission," she exclaimed, quickly.

"It amounts to that. I have been told to bring about a certain event."

She looked at him searchingly.

"A mission," she repeated, very grave and interested all at once. "What sort of mission?"

"Something in the nature of propaganda work."

"Ah! Far from here?"

"No, not very far," said Razumov, restraining a sudden desire to laugh, though he did not feel joyous in the least.

"So," she said, thoughtfully. "Well, I am not asking questions. It's sufficient that Peter Ivanovitch should know what each of us is doing. Everything is bound to come right in the end."

"You think so?"

"I don't think, young man; I just simply believe it."

"And is it to Peter Ivanovitch that you owe that faith?"

She did not answer the question, and they stood idle, silent, as if reluctant to part from each other.

"That's just like a man," she murmured at last. "As if it were possible to tell how a belief comes to one." Her thin Mephistophelian eyebrows moved sinuously a little. "Truly, there are millions of people in Russia who would envy the life of dogs in this country. It is a horror and a shame to confess that even between ourselves. One must believe for very pity. This can't go on. No, it can't go on. For twenty years I have been coming and going, looking neither to the left nor to the right. . . . What are you smiling to yourself for? You are only at the beginning. You have begun well, but you just wait till you have trodden every particle of yourself under your feet in your comings and goings. For that is what it comes to. You've got to trample down every particle of your own feelings; for to stop you cannot, you must not. I have been young, too—but perhaps you think that I am complaining—eh?"

"I don't think anything of the sort," protested Razumov, indifferently.

"I dare say you don't, you dear superior creature. You don't care."

She plunged her fingers into the bunch of hair on the left side and that brusque movement had the effect of setting the Tyrolese hat straight on her head. She frowned under it without animosity, in the manner of an investigator. Razumov averted his face carelessly.

"You men are all alike. You mistake luck for merit. You do it in good faith, too. I would not be too hard on you. It's masculine nature. You men are ridiculously pitiful in your aptitude to cherish childish illusions down to the very grave. There is a lot of us who have been at work for fifteen years—I mean constantly—trying one way after another, underground and aboveground, looking neither to the right nor to the left. I can talk about it. I have been one of those that never rested. There! What's the use of talking. Look at my gray hairs. And here two babies come along—I mean you and Haldin—you come along and manage to strike a blow at the first try."

At the name of Haldin falling from the rapid and energetic lips of the woman revolutionist Razumov had the usual brusque consciousness of the irrevocable. But in all the months which had passed over his head he had become hardened to the experience. The consciousness was no longer accompanied by the blank dismay and the blind anger of the early days. He had argued himself into new beliefs; and he had made for himself a

mental atmosphere of gloomy and sardonic reverie, a sort of murky medium through which the event appeared like a featureless shadow having vaguely the shape of a man extremely familiar, yet utterly inexpressive except for its air of discreet waiting in the dusk. It was not alarming.

"What was *he* like?" the woman revolutionist asked, unexpectedly.

"What was he like?" repeated Razumov, making a painful effort not to turn upon her savagely. But he relieved himself by laughing a little, while he stole a glance at her out of the corners of his eyes. She looked disturbed by this reception of her inquiry.

"How like a woman!" he went on. "What is the good of concerning yourself with his appearance? Whatever it was, he is removed beyond all feminine influences now."

A frown making three folds at the root of her nose accentuated the Mephistophelian slant of her eyebrows.

"You suffer, Razumov," she suggested in her low, confident voice.

"What nonsense!" Razumov faced the woman fairly. "But now I think of it, I am not sure that he is beyond the influence of one woman at least. The one over there—Madame de S——, you know. Formerly the dead were allowed to rest, but now it seems they are at the beck and call of a crazy old harridan. We revolutionists make wonderful discoveries. It is true that they are not exactly our own. We have nothing of our own. But couldn't the friend of Peter Ivanovitch satisfy your feminine curiosity? Couldn't she conjure him up for you?" he jested like a man in pain.

Her concentrated frowning expression relaxed and she said, a little wearily: "Let us hope she will make an effort and conjure up some tea for us. But that is by no means certain. I am tired, Razumov."

"You tired! What a confession! Well, there has been tea up there. I had some. If you hurry on after Yakovlitch, instead of wasting your time with such an unsatisfactory sceptical person as myself, you may find the ghost of it—the cold ghost of it—still lingering in the temple. But as to you being tired, I can hardly believe it. We are not supposed to be. We mustn't. We can't. The other day I've read in some paper or other an alarmist article on the tireless activity of the revolutionary parties. It impresses the world. It's our prestige."

"He flings out continually these flouts and sneers." The woman in the crimson blouse spoke as if appealing quietly to a third person, but her black eyes never left Razumov's face. "And what for, pray? Simply because some of his conventional notions are shocked, some of his petty masculine standards. A true man's childishness. You might think he was one of those nervous sensitives that come to a bad end. And yet," she went on, after a short reflective pause and changing the mode of her address, "and yet I know something which makes me think you are a man of character, Kirylo Sidorovitch. Yes, indeed—I know."

There was something mysteriously positive in this assertion which startled Razumov. Their eyes met. He looked away and through the bars of the rusty gate stared at the clean, wide road shaded by the leafy trees. An electric tram-car, quite empty, ran past the gate with a metallic rustle. It seemed to him he would have given anything to be sitting inside all alone. He was inexpressibly weary, weary in every fiber of his body, but he had a reason for not being the first to break off the conversation.

It would not be sound diplomacy. And there was his task—his ordeal. At any instant, in the visionary and criminal babble of revolutions, some momentous words might fall on his ear; from her lips, from anybody's lips. As long as he managed to preserve a clear mind and to keep down his irritability there was nothing to fear. The only condition of success and safety was indomitable will power, he reminded himself.

He longed to be on the other side of the bars, as though he were actually a prisoner within the grounds of this center of revolutionary plots, of this house of folly, of blindness, of villainy and crime. Silently he indulged his wounded spirit in a feeling of an immense moral and mental remoteness. He did not even smile when he heard her repeat the words,

"Yes, a strong character."

He continued to gaze through the bars like a moody prisoner, not thinking of escape, but merely pondering upon the faded memories of freedom.

"If you don't look out," he mumbled, still looking away, "you shall certainly miss seeing as much as the mere ghost of that tea."

She was not to be shaken off in such a way. As a matter of fact, he had not expected to succeed.

"Never mind, it will be no great loss. I mean, the missing of her tea, and only the ghost of it at that. As to the lady, you must understand that she has her positive uses. See *that,* Razumov."

He turned his head at this imperative appeal and saw the woman revolutionist making the motions of counting money into her hand.

"That's what it is. You see?"

Razumov uttered a slow "I see" and returned to his prisoner-like gazing upon the neat and shady road.

"Material means must be obtained in some way and this is easier than breaking into banks. More certain, too. There! I am joking. . . . What is he muttering to himself now?" she cried, under her breath.

"My admiration of Peter Ivanovitch's devoted self-sacrifice, that's all. It's enough to make one sick."

"Oh, you squeamish, masculine creature! Sick. Makes him sick. And what do you know of the truth of it? There's no looking into the secrets of the heart. Peter Ivanovitch knew her years ago in his worldly days when he was a young officer in the Guards. It is not for us to judge an inspired person. That's where you men have an advantage. You are inspired sometimes both in thought and action. I have always admitted that when you *are* inspired, when you manage to throw off your masculine cowardice and prudishness, you are not to be equaled by us. Only how seldom! . . . Whereas the silliest woman can always be made of use. And why? Because we have passion, unappeasable passion. . . . I should like to know what he is smiling at?"

"I am not smiling," protested Razumov, gloomily.

"Well, how is one to call it? You made some sort of face. Yes, I know. You men can love here and hate there and desire something or other—and you make a great to-do about it and you call it passion. Yes, while it lasts. But we women are in love with love, and with hate, with these very things I tell you, and with desire itself. That's why we can't be bribed off so easily as you men. In life, you see, there is not much choice for one. You have either to rot or to burn. And there is not one of us, painted or unpainted, that would not rather burn than rot."

She spoke with energy, but in a matter-of-fact tone. Razumov's attention had wandered away on a track of its own—outside the bars of the gate—but not out of earshot. He stuck his hands into the pockets of his coat.

"Rot or burn! Powerfully stated. Painted or unpainted. Very vigorous. Painted or . . . Do tell me. She would be infernally jealous of him, wouldn't she?"

"Who? What? The Baroness? Eleonor Maximovna? Jealous of Peter Ivanovitch? Heavens! are these the questions the man's mind is running on? Such a thing is not to be thought of."

"Why? Can't a wealthy old woman be jealous, or are they all pure spirits together?"

"But what put it into your head to ask such a question?" she wondered.

"Nothing; I just asked. Masculine frivolity, if you like."

"I don't like," she retorted at once. "It is not the time to be frivolous. What are you flinging your very heart against? Or perhaps you are only playing a part."

Razumov had felt that woman's observation of him like a physical contact, like a hand resting lightly on his shoulder. At that moment he received the mysterious impression of her having made up her mind for a closer grip. He stiffened himself inwardly to bear it without betraying himself.

"Playing a part," he repeated, presenting to her an unmoved profile. "It must be done very badly, since you see through the assumption."

She watched him, her forehead drawn into perpendicular folds, the thin black eyebrows diverging upward like the antennæ of the insect. He added, hardly audibly:

"You are mistaken. I am doing it no more than the rest of us."

"Who is doing it?" she snapped out.

"Who? Everybody," he said, impatiently. "You are a materialist, aren't you?"

"Eh! My dear soul, I have outlived all that nonsense."

"But you must remember the definition of Cabanis: Man is a digestive tube. I imagine now . . ."

"I spit on him."

"What! on Cabinis? All right. But you can't ignore the importance of a good digestion. The joy of life—you know, the joy of life?—depends on a sound stomach, whereas a bad digestion inclines one to scepticism, incredulity, breeds black fancies and thoughts of death. These are facts ascertained by physiologists. Well, I assure you that ever since I came over from Russia I have been stuffed with indigestible foreign concoctions of the most nauseating kind—pah!"

"You are joking," she murmured, incredulously. He assented in a detached way.

"Yes, it is all a joke. It's hardly worth while talking to a man like me. Yet for that reason men have been known to take their own life."

"On the contrary, I think it *is* worth while talking to you."

He kept her in the corner of his eye. She had plunged her fingers in the loose hair at the side of her head and was stirring them thoughtfully.

She seemed to be thinking out some scathing retort, but ended by only shrugging her shoulders slightly.

"Shallow talk! I suppose one must pardon this weakness in you," she said, putting a special accent on the last word. There was something anxious in her indulgent conclusion.

Razumov noted the slightest shades in this conversation, which he had not expected, for which he was not prepared. That was it. "I was not prepared," he said to himself. "It has taken me unawares." It seemed to him that if he only could allow himself to pant openly like a dog for a time this oppression would pass away. "I shall never be found prepared," he thought, with despair. He laughed a little, saying as lightly as he could:

"Thanks. I don't ask for mercy." Then affecting a playful uneasiness, "But aren't you afraid Peter Ivanovitch might suspect us of plotting something unauthorized together by the gate here?"

"No, I am not afraid. You are quite safe from suspicions while you are with me, my dear young man." The humorous gleam in her black eyes went out. "Peter Ivanovitch trusts me," she went on, quite austerely. "He takes my advice. I am his right hand, as it were, in certain most important things. That amuses you—what? Do you think I am boasting?"

"God forbid. I was just only saying to myself that Peter Ivanovitch seems to have solved the woman question pretty completely."

Even as he spoke he reproached himself for his words, for his tone. All day long he had been saying the wrong things. It was folly, worse than folly. It was weakness; it was this disease of perversity overcoming his will. Was this the way to meet speeches which certainly contained the promise of future confidences from that woman who apparently had a great store of secret knowledge and so much influence? Why give her this puzzling impression? But she did not seem inimical. There was no anger in her voice. It was strangely speculative.

"One does not know what to think, Razumov. You must have bitten something bitter in your cradle."

Razumov gave her a sidelong glance.

"H'm! Something bitter? That's an explanation," he muttered, "only it was much later. And don't you think, Sofia Antonovna, that you and I come from the same cradle?"

The woman whose name he had forced himself at last to pronounce (he had experienced a strong repugnance in letting it pass his lips), the woman revolutionist, murmured after a pause,

"You mean—Russia?"

He disdained even to nod. She seemed softened, her black eyes very still, as though she were pursuing the simile in her thoughts to all its tender associations. But suddenly she knitted her brows in a Mephistophelian frown.

"Yes. Perhaps no wonder, then. Yes. One lies there lapped up in evils watched over by beings that are worse than ogres, ghouls and vampires. They must be driven away, destroyed utterly. In regard to that task nothing else matters if men and women are determined and faithful. That's how I came to feel in the end. The great thing is not to quarrel amongst ourselves about all sorts of conventional trifles. Remember that, Razumov."

Razumov was not listening. He had even lost the sense of being watched in a sort of heavy tranquillity. His uneasiness, his exasperations, his scorn, were blunted at last by all these trying hours. It seemed to him

that now they were blunted forever. "I am a match for them all," he thought, with a conviction too firm to be exulting. The woman revolutionist had ceased speaking; he was not looking at her; there was no one passing along the road. He almost forgot that he was not alone. He heard her voice again curt, businesslike, and yet betraying the hesitation which had been the real reason of her prolonged silence.

"I say, Razumov!"

Razumov, whose face was turned away from her, made a grimace like a man who hears a false note.

"Tell me: is it true that on the very morning you actually attended the lectures at the university?"

An appreciable fraction of a second elapsed before the real import of the question reached him like a bullet which strikes some time after the flash of the fired shot. Luckily his disengaged hand was ready to grip a bar of the gate. He held it with a terrible force, but his presence of mind was gone. He could make only a sort of gurgling, grumpy sound.

"Come, Kirylo Sidorovitch!" she urged him. "I know you are not a boastful man. *That* one must say for you. You are a silent man. Too silent, perhaps. You are feeding on some bitterness of your own. You are not an enthusiast. You are perhaps all the stronger for that. But you might tell me. One would like to understand you a little more. I was so immensely struck . . . Have you really done it?"

He got his voice back. The shot had missed him. It had been fired at random altogether, more like a signal for coming to close quarters. It was to be a plain struggle for self-preservation. And she was a dangerous adversary, too. But he was ready for battle; he was so ready that when he turned toward her not a muscle of his face moved.

"Certainly," he said, without animation, secretly strung up, but perfectly sure of himself. "Lectures—certainly. But what makes you ask?"

It was she who was animated.

"I had it in a letter written by a young man in Petersburg; one of us, of course. You were seen—you were observed with your note-book, impassible, taking notes. . . ."

He enveloped her with his fixed stare.

"What of that?"

"I call such coolness superb—that's all. It is a proof of uncommon strength of character. The young man writes that nobody could have guessed from your face and manner the part you had played only some two hours before—the great, momentous, glorious part. . . ."

"Oh no; nobody could have guessed," assented Razumov, gravely, "because, don't you see, nobody at that time . . ."

"Yes, yes; but, all the same, you are a man of exceptional fortitude, it seems. You looked exactly as usual. It was remembered afterward with wonder. . . ."

"It cost me no effort," Razumov declared, with the same staring gravity.

"Then it's almost more wonderful still," she exclaimed, and fell silent, while Razumov asked himself whether he had not said there something utterly unnecessary—or even worse.

She raised her head eagerly.

"Your intention was to stay in Russia? You had planned . . ."

"No," interrupted Razumov, without haste. "I had made no plans."

"You just simply walked away?" She struck it.

He bowed his head in slow assent. "Simply—yes." He had gradually released his hold on the bar of the gate, as though he had acquired the conviction that no random shot could knock him over now. And suddenly he was inspired to add, "The snow was coming down very thick, you know."

She had a slight appreciative movement of the head like an expert in such enterprises, very interested, capable of taking every point professionally. Razumov remembered something he had heard.

"I turned into a narrow side street, you understand," he went on, negligently, and paused as if it were not worth talking about. Then he remembered another detail and dropped it before her like a disdainful dole to her curiosity.

"I felt inclined to lie down and go to sleep there."

She clicked her tongue at that symptom very struck indeed. Then: "But the note-book! The amazing note-book, man! You don't mean to say you had put it in your pocket beforehand!" she cried.

Razumov gave a start. It might have been a sign of impatience.

"I went home. Straight home to my rooms," he said, distinctly.

"The coolness of the man! You dared?"

"Why not? I assure you I was perfectly calm. Ha! calmer than I am now, perhaps."

"I like you much better as you are now than when you indulge that bitter vein of yours, Razumov. And nobody in the house saw you return—eh? That might have appeared queer."

"No one," Razumov said firmly. "Dvornik, landlady, girl, all out of the way. I went up like a shadow. It was a murky morning. The stairs were dark. I glided up like a phantom. Fate? Luck? What do you think?"

"I just see it!" The eyes of the woman revolutionist snapped darkly. "Well—and then you considered. . . ."

Razumov had it all ready in his head.

"No, I looked at my watch, since you want to know. There was just time. I took that note-book and ran down the stairs on tiptoe. Have you ever listened to the pitpat of a man running round and round the shaft of a deep staircase? They have a gaslight at the bottom burning night and day. I suppose it's gleaming down there now. . . . The sound dies out—the flame winks. . . ."

He noticed the vacillation of surprise passing over the steady curiosity of the black eyes fastened on his face as if the woman revolutionist received the sound of his voice into her pupils instead of her ears. He checked himself, passed his hand over his forehead, confused like a man who had been dreaming aloud.

"Where could a student be running if not to his lectures in the morning? At night it's another matter. I did not care if all the house had been there to look at me. But I don't suppose there was any one. It's best not to be seen or heard. Aha! The people that are neither seen nor heard are the lucky ones—in Russia. Don't you admire my luck?"

"Astonishing," she said. "If you have luck as well as determination, then indeed you are likely to turn out an invaluable acquisition for the work in hand."

Her tone was earnest; and it seemed to Razumov that it was speculative, even as though she were already apportioning him, in her mind, his share of the work. Her eyes were cast down. He waited, not very alert now, but with the grip of the ever-present danger giving him an air of attentive gravity. Who could have written about him in that letter from Petersburg? A fellow-student, surely—some imbecile victim of revolutionary propaganda, some foolish slave of foreign, subversive ideals. A long, famine-stricken, red-nosed figure presented itself to his mental search. That must have been the fellow.

He smiled inwardly at the absolute wrong-headedness of the whole thing, the self-deception of a criminal idealist shattering his existence like a thunder-clap out of a clear sky and re-echoing amongst the wreckage in the false assumptions of those other fools. Fancy that hungry and piteous imbecile furnishing to the curiosity of the revolutionist refugees this utterly fantastic detail! He appreciated it as by no means constituting a danger. On the contrary, as things stood, it was for his advantage rather a piece of sinister luck which had only to be accepted with proper caution.

"And yet, Razumov," he heard the musing voice of the woman, "you have not the face of a lucky man." She raised her eyes with renewed interest. "And so that was the way of it. After doing your work you simply walked off and made for your rooms. That sort of thing succeeds sometimes. I suppose it was agreed beforehand that, once the business over, each of you would go his own way?"

Razumov preserved the seriousness of his expression and the deliberate, cautious manner of speaking.

"Was not that the best thing to do?" he asked in a dispassionate tone. "And, anyway," he added, after waiting a moment, "we did not give much thought to what would come after. We never discussed formally any line of conduct. It was understood, I think."

She approved his statement with slight nods.

"You, of course, wished to remain in Russia?"

"In Petersburg itself," emphasized Razumov. "It was the only safe course for me. And, moreover, I had nowhere else to go."

"Yes, yes; I know clearly. And the other—this wonderful Haldin appearing only to be regretted—you don't know what he intended?"

Razumov had foreseen that such a question would certainly come to meet him sooner or later. He raised his hands a little and let them fall helplessly by his side—nothing more.

It was the white-haired woman conspirator who was the first to break the silence.

"Very curious," she pronounced, slowly. "And you did not think, Kirylo Sidorovitch, that he might perhaps wish to get in touch with you again?"

Razumov discovered that he could not suppress the trembling of his lips. But he thought that he owed it to himself to speak. A negative sign would not do again. Speak he must, if only to get to the bottom of what that Petersburg letter might have contained.

"I stayed at home next day," he said, bending down a little and plunging his glance into the black eyes of the woman so that she should not observe the trembling of his lips. "Yes, I stayed at home. As my actions are remembered and written about, then perhaps you are aware that I

was *not* seen at the lectures next day. Eh? You didn't know? Well, I stopped at home—the livelong day."

As if moved by his agitated tone, she murmured a sympathetic, "I see! It must have been trying enough."

"You seem to understand one's feelings," said Razumov, steadily. "It was trying. It was horrible: it was an atrocious day. It was not the last."

"Yes, I understand. Afterward when you heard they had got him. Don't I know how one feels after losing a comrade in the good fight! One's ashamed of being left. And I can remember so many. Never mind. They shall be avenged before long. And what is death? At any rate, it is not a shameful thing like some kinds of life."

Razumov felt something stir in his breast, a sort of feeble and unpleasant tremor.

"Some kinds of life," he repeated, looking at her searchingly.

"The subservient, submissive life. Life! No! Vegetation on the filthy heap of iniquity which the world is. Life, Razumov, not to be vile, must be a revolt—a pitiless protest—all the time."

She calmed down; the gleam of suffused tears in her eyes dried out instantly by the heat of her passion, and it was in her capable business-like manner that she went on.

"You understand me, Razumov. You are not an enthusiast, but there is an immense force of revolt in you. I felt it from the first, directly I set my eyes on you—you remember—in Zurich. Oh, you are full of bitter revolt! That is good. Indignation flags sometimes, revenge itself may become a weariness, but that uncompromising sense of necessity and justice which armed your and Haldin's hand to strike down that fanatical brute . . . for it was that—nothing but that! I have been thinking it out. It could have been nothing else but that."

Razumov made a slight bow, the irony of which was concealed by an almost sinister immobility of feature.

"I can't speak for the dead. As for myself, I can assure you that my conduct was dictated by necessity and by the sense of—well—retributive justice."

"Good that," he said to himself, while her eyes rested upon him, black and impenetrable like the mental caverns where revolutionary thought should sit plotting the violent way of its dream of changes. As if anything could be changed! In this world of men nothing can be changed—neither happiness nor misery. They can only be displaced at the cost of corrupted consciences and broken lives—a futile game for arrogant philosophers and sanguinary triflers. Those thoughts darted through Razumov's head while he stood facing the old revolutionary hand, the respected, trusted, and influential Sofia Antonovna whose word had such a weight in the "active" section of every party. She was much more representative than the great Peter Ivanovitch. Stripped of rhetoric, mysticism, and theories, she was the true spirit of destructive revolution. And she was the personal adversary he had to meet. It gave him a feeling of hardly triumphant pleasure to deceive her out of her own mouth. The epigrammatic saying that speech has been given to us for the purpose of concealing our thoughts came into his mind. Of that cynical theory this was a very subtle and a very scornful application, flouting in its own words the very spirit of ruthless revolution, embodied in that woman with her white hairs and black

eyebrows like slightly sinuous lines of Indian ink traced upward from the two heavy perpendicular folds of a thoughtful frown.

"That's it. Retributive. No pity," was the conclusion of her silence. And this once broken, she went on impulsively in short, vibrating sentences.

"Listen to me, Razumov! . . ." Her father was a clever, but unlucky artisan. No joy had lighted up his laborious days. He died at fifty. All the years of his life he had panted under the thumb of masters whose rapacity exacted from him the price of the water, of the salt, of the very air he breathed; taxed the sweat of his brow and claimed the blood of his sons. No protection, no guidance! What had society to say to him? Be submissive and be honest. If you rebel I shall kill you. If you steal I shall imprison you. But if you suffer I have nothing for you—nothing except, perhaps, a beggarly dole of bread—but no consolation for your trouble, no respect for your manhood, no pity for the sorrows of your miserable life.

And so he labored, he suffered, and he died. He died in the hospital. Standing by the common grave, she thought of his tormented life—she saw it whole. She reckoned the simple joys of life, the birthright of the humblest, of which his gentle heart had been robbed by the crime of a society which nothing can absolve.

"Yes, Razumov," she went on in an impressive, lowered voice, "it was like a lurid light in which I stood still almost a child and cursed not the toil, not the misery which had been his lot, but the great social iniquity of the system resting on unrequited toil and unpitied sufferings. From that moment I was a revolutionist."

Razumov, trying to raise himself above the dangerous weaknesses of contempt or compassion, had preserved an impassive countenance. She, too, stood quiet before him, and with an uneffected touch of mere bitterness, the first he could notice since he had come in contact with the woman, she went on:

"As I could not go to the church where the priests of the system exhorted such unconsidered vermin as I to resignation, I went to the secret societies as soon as I knew how to find my way. I was sixteen years old—no more, Razumov! And—look at my white hair."

In these last words there was neither pride nor sadness. The bitterness, too, was gone.

"And long! There is a lot of it. I had always magnificent hair even as a chit of a girl. Only at that time we were cutting it short and thinking that there was the first step toward crushing the social infamy. Crush the infamy! A fine watchword. I would placard it on the walls of prisons and palaces, carve it on hard rocks, hang it out in letters of fire on that empty sky for a sign of hope and terror—a portent of the end. . . ."

"You are eloquent, Sofia Antonovna," Razumov interrupted, suddenly. "Only so far you seem to have been writing it in water. . . ."

She was checked, but not offended. "Who knows? Very soon it may become a fact written all over that great land of ours," she hinted, meaningly. "And then one would have lived long enough. White hair won't matter."

Razumov looked at her white hair: and this mark of so many uneasy years seemed nothing but a testimony to the invincible vigor of revolt. It threw out into an astonishing relief the unwrinkled face, the brilliant

black glance, the upright compact figure, the simple, brisk, self-possession of the mature personality, as though in her revolutionary pilgrimage she had discovered the secret not of everlasting youth, but of everlasting endurance.

"How un-Russian she looks!" thought Razumov. Her mother might have been a Jewess or an Armenian or—devil knew what. He reflected that a revolutionist is seldom true to the settled type. All revolt is the expression of strong individualism—ran his thought, vaguely. One can tell them a mile off in any society, in any surroundings. It was astonishing that the police . . .

"We shall not meet again very soon, I think," she was saying. "I am leaving to-morrow."

"For Zurich?" Razumov asked, casually, but feeling relieved, not from any distinct apprehension, but rather from a feeling of stress as if after a wrestling-match. That was over!

"Yes, Zurich—and farther on, perhaps, much farther. Another journey. When I think of all my journeys! The last must come some day. Never mind, Razumov, we had to have a good long talk. I am glad we had it, like this, here, unexpectedly. But I would have certainly tried to see you if we had not met. Peter Ivanovitch knows where you live? Yes. I meant to have asked him—but it's better like this. You see, we expect two more men, and I had much rather wait here with you than up there at the house with . . ."

Having cast a glance beyond the gate, she interrupted herself. "Here they are," she said, rapidly. "Well, Kirylo Sidorovitch, we shall have to say good-by."

CHAPTER XII

In his incertitude of the ground on which he stood Razumov felt perturbed. Turning his head quickly, he saw two men standing as if rooted on the opposite side of the road. They were staring. It looked as though they had been thus engaged for some time, but, seeing themselves noticed by Sofia Antonovna, they crossed the road at once and passed one after the other through the little gate by the side of the empty lodge with its nailed door and boarded windows. They looked hard at the stranger, but without mistrust, the crimson blouse making it all safe like a flaring signal on a dark wall. The first, great white hairless face, double chin, prominent stomach, which he seemed to carry forward consciously within a strongly distended overcoat, only nodded and averted his eyes peevishly; his companion, lean, flushed cheek-bones, a military red mustache below a sharp, salient nose, approached at once Sofia Antonovna, greeting her warmly. His voice was very strong, but inarticulate. It sounded like a deep buzzing. The woman revolutionist was quietly cordial. Peter Ivanovitch had summoned her, too. No—she was not looking out for them, precisely. She had stopped for a talk. . . .

"This is Razumov," she announced in a clear voice.

The new-comer made an eager half-turn. "He will want to embrace me," thought our young man, with a deep recoil of all his being, while all his limbs seemed too heavy to move. But it was a groundless alarm. He had to do now with a generation of conspirators which did not kiss each other on both cheeks; and, raising an arm that felt like lead, he dropped

his hand into a largely outstretched palm fleshless and hot as if dried up by fever, giving a bony pressure, expressive, seeming to say, "Between us there's no need of words."

The man with the red mustache had clear, wide-open eyes. Razumov fancied he could see a smile behind their sadness.

"This is Razumov," Sofia Antonovna repeated, loudly, for the benefit of the fat man, who, motionless at some distance, displayed the profile of his stomach, with his enormous thick hands hanging down lifelessly.

No one moved. Everything—sounds, attitudes, movements, and immobility—seemed to be part of an experiment whose result was a thin voice piping with comic peevishness.

"Oh yes! Razumov. We have been hearing of nothing but Mr. Razumov for months. For my part, I confess I would rather have seen Haldin on this spot instead of Mr. Razumov."

The squeaky stress put on the name "Razumov—Mr. Razumov" pierced the ear ridiculously like the falsetto of a circus clown firing off the beginning of an elaborate joke. Astonishment was Razumov's first response, followed by a sudden giddiness that lifted him up into an illusion of a great height. From this dangerous eminence he heard the other two exclaiming, then found himself down among them without a shock and without range of the voices.

"What's the meaning of this?" he asked in a stern tone, feeling the ground firm under his feet.

"Tut! Silliness. He's always like that." Sofia Antonovna was obviously vexed. But she dropped the explanation "Necator" from her lips casually, just loud enough to be heard by Razumov. The abrupt squeaks of the fat man seemed to proceed from that thing like a balloon he carried under his overcoat. The stolidity of his attitude, the big feet, the lifeless, hanging hand, the enormous bloodless cheek, the thin wisps of hair straggling down the fat nape of the neck, fascinated Razumov into a stare on the verge of horror and laughter.

(To be Continued)

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PRESIDENT TAFT'S VOLTE-FACE

BY THE EDITOR

For more than half a century the Republican party has been the most compact and effective political organization this or any other democracy has ever known. Its principles have been affirmative, its policies audacious, its candidates, as a rule, aggressive. Even when it sprang into being as an opposition, in 1856, its attitude was invasive, its initial pronunciamento positive, declaratory. Slavery, with polygamy, was "a twin relic of barbarism." This was the crux of the Frémont asseveration. Equally direct, though less vital, were: Kansas must be admitted. . . . The Pacific railroad must be built. . . . Harbors must be improved. These were not protestations against existing conditions; they were avowals of fixed and definite purpose.

There was no faltering, no paltering. In 1860 "the normal condition of all the territory of the United States" continued to be "that of freedom" and "all schemes for disunion" were held "in abhorrence." Upon that statement Abraham Lincoln was elected and the declaration was upheld by force of arms. Four years later, since "slavery was the cause and now constitutes the strength of the rebellion," the government was pledged "not to compromise with rebels, or to offer them any terms of peace, except such as may be based upon unconditional surrender." Again no sign of equivocation. Again the party won.

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So in 1868, when the stern, inflexible and unwise reconstruction policy was applauded and Andrew Johnson was condemned for acting "treacherously to the cause he was pledged to support," there was no yielding, no temporizing. Grant was elected.

The moral issue had played its part. Affirmation, aggression, audacity, had won easy victories. But the war was over. Passions engendered by strife were subsiding. Prosaic matters of revenue, taxation, expenditures, demanded attention. Promptly and fearlessly the Republican party responded, blazing a new way with the skill of intelligence, the determination of courage, the assurance of success. On the 5th day of June, 1872, in convention assembled, it promulgated this explicit doctrine:

"Revenue, except so much as may be derived from a tax upon tobacco and liquors, should be raised by duties upon importations, the details of which should be so adjusted as to aid in securing remunerative wages to labor, and *promote the industries*, prosperity, and growth of the whole country."

So entered Protection. A new cornerstone was substituted for the old. Upon it the massive structure has stood practically unshaken to this day. Reiterated in 1876 and 1880, the dogma found fuller expression in the platform of 1884:

"It is the first duty of a good government to protect the rights and *promote the interests* of its own people. The largest diversity of industry is most productive of general prosperity and of the comfort and independence of the people. We therefore demand that the imposition of duties on foreign imports shall be made, *not for revenue only*, but that, in raising the requisite revenues for the government, such duties shall be so levied as to *afford security to our diversified industries* and protection to the rights and wages of the laborers, to the end that active and intelligent labor, as well as capital, may have its just reward, and the laboring man his full share in the national prosperity."

The Republican candidate, not the Republican party, was defeated. Blaine, not Protection, was the issue. So the party descried and, in 1888, renewed its declaration of faith with pristine courage and sharp defiance. This, the forceful and pregnant utterance:

"We are uncompromisingly in favor of the American system of protection. We protest against its destruction, as proposed by the President and his party. They serve the interests of Europe; we will support the interests of America. We accept the issue, and confidently appeal to the people for their judgment. . . . We condemn the proposition of the Democratic party to place wool on the free list, and we insist that the duties

thereon shall be adjusted and maintained so as to furnish full and adequate protection to that industry."

Harrison was elected. Another triumph for affirmation and aggressiveness. Four years later the leaders wavered and substituted for the uncompromising declaration of 1888 these insipid words:

"We reaffirm the American doctrine of protection. We call attention to its growth abroad. We maintain that the prosperous condition of our country is largely due to the wise revenue legislation of the Republican Congress."

By contrast, pusillanimous. Harrison was defeated. Enter McKinley, the apostle of Protection, in 1896, upon this platform:

"We renew and *emphasize* our allegiance to the policy of protection as the *bulwark* of American industrial independence and the foundation of American development and prosperity."

Again in 1900 faith in the policy of Protection was "renewed" and McKinley was re-elected.

So, too, in 1904, under the guidance of the shrewdest of politicians, then occupying the White House, came this unfaltering declaration:

"Protection which guards and develops our industries is a *cardinal policy* of the Republican party. . . . We insist upon the maintenance of the principles of protection."

And in 1908, after promising revision, neither upward nor downward, an expansion of the doctrine thus:

"In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, *together with a reasonable profit to American industries.*"

The added phrase was clearly a virtual guaranty of profits to American manufacturers engaged in competition with foreigners—a step in advance of any proposal theretofore put forward in elucidation of Protection as a policy. And yet, so far from balking, the country elected Mr. Taft by an overwhelming majority.

What then do we find? Simply this: With Protection to *promote industries* as its "bulwark," its "cardinal policy," the Republican party has elected seven and installed eight Presidents out of the last ten chosen. Moreover, Tilden re-

ceived a majority of votes; not because of the tariff issue, but as a reformer, and Cleveland's victory over Blaine was purely personal. That the unpopular McKinley bill was largely responsible for Cleveland's second triumph there can be no doubt, but it is worthy of note that in that year, 1892, the Republican party lowered its Protection banner and, four years later, when it "emphasized" its devotion to "Protection as the bulwark of industrial independence," it won. No principle enunciated in the history of our country has been so steadfastly sustained by the people as Protection when stoutly upheld by the Republican party.

What now? Is the "bulwark" to be abandoned? Is the "cardinal policy" to be repudiated and discarded? What else can President Taft, the leader of his party, mean when he opens the door to competitive products, pronounces the duties on woolen goods indefensible and declares, as he is reported to have declared in a speech in Providence:

"We must recognize that the time for the Chinese wall is gone. Before an industry receives protection now it must demonstrate the need of that protection, and it must not ask for more protection than it needs."

Strange and noteworthy words, these! Confession, first; confession that, contrary to Republican insistence for a score of years, a "Chinese wall" has indeed been maintained by the Republican party. Confession, too, that industries have in fact received protection without demonstrating their need of it and have sought and obtained more protection than was required. But, humiliating as these admissions must be, they sink into insignificance when compared with the President's obvious abandonment of Protection as a cardinal principle designed to "promote industry," to the end "that active and intelligent labor, as well as capital, shall have its just reward."

How can Protection, under such restrictions, continue to be "not for revenue only," but "a bulwark of American industrial independence and the foundation of American development and prosperity"? It is, and has been since 1872, a first tenet of the Republican party that a new industry, in particular, should not be required to demonstrate its need of protection; the need has been assumed as a requisite to development. Nor, under Protection as a bulwark, can a manufacturer now profiting from exclusion of foreign products be forbidden or expected to ask for no more than he needs to keep his factories going, for the simple reason

that no margin would be left for that expansion which is regarded as the chief advantage of the protective system.

It is quite true, moreover, that a tariff designed to promote development must be "a harmonious whole," because of the great diversity and intertwining of specific industries. Consequently the proposed treaty with Canada does in fact, in the words of a Republican leader in Congress, make a breach in the wall of Protection which may prove irreparable; but, deplorable as this possibility may seem to supporters of the system, it need hardly be considered when contrasted with the President's proposal to tear down the wall itself. That, as we have said, presages complete renunciation of the one Republican policy which has been sustained by the people for nearly forty years.

That President Taft so understands and accepts the situation created by himself is clearly evidenced by his speech delivered in Indianapolis upon Independence Day. Defending himself against accusations of backsliding, he appealed to Blaine and McKinley as sponsors for his Canadian policy. The former, he declared, "attempted to secure an amendment to one of the tariff laws in which the subjects for reciprocity mentioned were articles in which foreign countries would compete with us in our own markets." He spoke truly, of course, but he refrained from adding that Blaine's action was not only not ratified, but was not even referred to by the Republican party in its next national convention. "More than this," he continued, "McKinley had negotiated a number of treaties in which duties were reduced or abolished on a number of products which would compete in our markets." But again Mr. Taft failed to note the fact that the Republican party, acting through its representatives in Congress, made but two minor agreements effective. He continued, however:

> "The truth is, if you will read the last speech of McKinley, you will see that he speaks in this connection of duties which have become unnecessary and that might well be abolished. By that he meant duties which could be taken off commodities, foreign competition in which we could safely meet in our own markets."

Mr. McKinley may have meant such duties, but if so his language was surely less explicit than might have been expected. In his inaugural address, delivered but a few months before, he left no room for doubt. These were his words:

"The end in view must always be the opening up of new markets for the products of our country by granting concessions to the products of other lands that we *need and cannot produce ourselves* and which do not involve any loss of labor to our people, but tend to increase their employment."

This was in precise accord with the platform upon which McKinley was elected:

"We favor the associated policy of reciprocity, so directed as to open our markets on favorable terms for what we *do not ourselves produce* in return for free foreign markets."

With John Sherman's definition:

"To grant to foreign nations the reciprocal right of free importation into our ports of articles *which we cannot produce* in return for free introduction into foreign ports of articles of American production is reciprocity."

With President Arthur's message:

"The conditions of these treaties should be the free admission of such merchandise as this country *does not produce* in return for the admission free or under a favored scheme of duties of our own products."

And with the very definite declaration of principles set forth in the Republican campaign book of 1908, under President Taft's administration:

"Republican reciprocity is reciprocity in non-competing articles, and nothing else."

To insist that aught else is now or ever has been accepted Republican doctrine is obviously futile. To argue that mere recommendations, not only never adopted, but ostentatiously ignored by the party, constitute an established tenet, is ridiculous. But in reaching for partisan authority Mr. Taft goes yet further by inference when he says:

"The Republican party in its last national platform declared in favor of tariff duties which would measure only the difference in the cost of production of articles here and of articles abroad."

The declaration to which he referred reads as follows:

"In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, *together with a reasonable profit to American industries.*"

This is very far removed from a pronouncement "in favor of tariff duties which would measure *only the difference in the cost of production* of articles here and of articles abroad." It is the quintessence of protection to American industries. Why did Mr. Taft omit all reference to those

pregnant words which safeguard the interests of home manufactures? Was it by inadvertence or because the asseveration does not accord with his conclusion, to wit:

"In other words, the sound Republican doctrine has become the imposition of duties only where the conditions are naturally unequal and where duties are necessary in order to enable our manufacturers and other producers to meet on a level the competition of foreign producers."

Not the "sound Republican doctrine" that "was" or "is" or ever has been, but that "has become." Since when? No such definition of the Republican party's "cardinal policy" ever appeared in a Republican platform or was ever uttered by an authorized Republican spokesman from Abraham Lincoln to William H. Taft until the Fourth of July in the present year of our Lord. It is a plain, unequivocal disavowal of Protection to American industries as a principle of the Republican party.

The question is: Will the Republican party follow its leader? Hasty minds have jumped to the conclusion that Mr. Taft's judgment has undergone material modification, if not, indeed, a distinct reversal, since he pronounced the present tariff measure the best ever enacted. But no such admission has come from his lips, and we perceive no reason for the assumption. It is far more likely that, feeling an obligation to his party to be heedful of public opinion, he recognizes the desirability of submitting temporarily to motives of expediency.

But whatever may be the real cause of Mr. Taft's seemingly heretical action, whether his change be of heart or of judgment, there can be no question that the Republican party, as a whole, is not yet a convert to low tariff policies. Protection is not merely its chief principle; it is its only one; quite as clearly the cornerstone of the structure to-day as at any previous time. Whether removal of the cornerstone now would leave the Republican party in a stronger position to win in either 1912 or 1916 than it would hold as a consequence of steadfast adherence to the doctrine which has been upheld by the people for nearly forty years is a question which the party itself must determine.

Can it be possible that President Taft has blundered and is leading the great Republican army into a quagmire of apostasy from which extrication can be achieved, if at all, only with the extremest difficulty? THE EDITOR.

THE NEXT PRESIDENTIAL ELECTION

BY AN EX-DEMOCRAT

THE barriers of party have been breaking down so seriously in recent years that it is no longer possible to forecast with certainty what a community will do in a future election by the record of what it has done in some previous election, however near in point of time. To go no further back than 1904, when five States which gave overwhelming pluralities for President Roosevelt elected on the same day Democratic Governors, there has come to be a wide difference between the vote given for a candidate who commands popular confidence and another of the same party at the same time who fails to command the same degree of confidence or of popularity.

These facts constitute a warning both to the triumphant Democracy of last year and to the party which up to last March had for fourteen years controlled the Federal Government. The essential lesson of recent elections is that the people are governed much less by party names than by their judgment of the qualifications of the candidates and of the wisdom of the policies advocated. There was hardly any issue in the Presidential election of 1908 but that of the personal qualities of the candidates and the probable capacity for government of the party organizations behind them. That the election was not decided upon purely party lines is evident from the fact that Ohio, Minnesota, and other States which voted for President Taft elected at the same time Democratic Governors. Perhaps equally significant is the fact that even in those States which elected Republican Governors the vote cast for President Taft was in many cases greatly in excess of that given the candidate of his party for Governor and other officers.

The election of 1908 practically turned upon the fact that the Republican party had shown constructive ability dur-

ing its twelve years of power, from 1896 up to that time, and that its candidates gave promise of a continuance of the same constructive policy, as opposed to one of negation, uncertainty, and disturbance on the part of the candidates of the opposition. The vital question in the Presidential election of 1912 will be whether the party now in power at the White House and in the Senate has forfeited its reputation for legislating intelligently, and the other party has in some measure acquired such a reputation. The elections of last fall were a sobering monition to the Republican party that it had not fully met the expectations of the people. These elections did not, however, when carefully analyzed, indicate anything more than a temporary withdrawal of support by a considerable number of Republican or independent voters. They did not indicate the permanent conversion of a large body of Republicans to Democratic theories of economic or political science. This is evidenced by the fact that in most cases where great Democratic victories appeared upon the face of the returns the total Democratic vote was smaller than in the Presidential election of 1908.

The following table gives the comparative Democratic vote for Governor in five States which elected Democratic Governors last year and in one State which elected a Democratic Governor in 1908, while giving a large plurality for Mr. Taft for President:

DEMOCRATIC VOTE FOR GOVERNOR

	1910.	1908.	Decrease 1910.
New York	689,700	735,189	45,489
New Jersey	283,682	*206,808	†76,874
Connecticut	77,243	82,260	5,017
Massachusetts	229,352	168,162	†61,190
Ohio	477,077	552,569	75,492
Minnesota	103,779	175,136	71,357

Obviously from this table Governor Dix would find it necessary, as a Presidential candidate, to increase his vote by many tens of thousands in order to overcome the vote of 870,000 which was given in New York in 1908 for Judge Taft. Governor Baldwin would have to increase his vote by about 35,000, or more than forty per cent., to equal the vote of 112,815 given in Connecticut for Taft, while Judge Harmon would have to increase his vote by 95,000 to equal

* Vote for Congressmen; no election for Governor.
† Increase.

the Taft vote in Ohio of 572,000. Only in New Jersey and Massachusetts was there a material increase in the Democratic vote for Governor last year over the party vote in 1908. But even the large vote for Governor Foss in the Bay State falls 36,000 below the Taft vote of 266,000 in 1908, and the vote for President Wilson in New Jersey exceeds by only about 18,000 the Taft vote of 265,300 in 1908. It is possible that these figures support the contention of the editor of THE NORTH AMERICAN REVIEW that "The Problem, the Solution, and the Man" are exemplified for the Democratic party in Governor Wilson. It will hardly be contended, however, that Massachusetts is a doubtful State in a Presidential election, unless the Republicans commit unthinkable follies, or that New York, in view of recent events, is at all likely to vote Democratic, unless the conduct of the Democratic party in Congress far exceeds in wisdom and conservatism the conduct of the party organization within the State.

The essential lesson of the election of 1908—that the great body of independent voters trusted the policies of Judge Taft and did not trust those of Mr. Bryan—cannot be said to have been negatived by the elections of 1910. Judge Taft was so far ahead of the Republican State ticket in the vote of 1908 in the important doubtful States that even the Democratic gains of last fall would not have wiped out his lead in the States necessary to control the election. In New York, to illustrate the point, the excess of the plurality for Judge Taft in 1908 over that given Mr. Hughes for Governor was 133,140 votes. The plurality for Mr. Dix last autumn was 67,401. This would wipe out only about half of Mr. Taft's advantage in pluralities and would have given him the State by a plurality of more than 65,000. In Connecticut corresponding figures would have shown a safe Republican plurality of nearly 25,000 and in Massachusetts of 15,000. In Ohio a similar comparison would show a small margin in favor of Governor Harmon and in New Jersey a still smaller one—practically a tie—in favor of Governor Wilson. The salient lesson of these figures seems to be that if the same voters who last autumn elected Dix, Baldwin, Foss, Harmon, and Wilson Democratic Governors of their respective States had voted on the same day for President, they would have carried for Judge Taft New York, Connecticut, and Massachusetts, even if they had permitted New

Jersey and Ohio to give small pluralities for the Democratic candidate.

These figures justify also the conclusion that the election of last autumn, while a severe rebuke to the Republican party, was very far from being a vote of confidence in the Democratic party. Undoubtedly it is fallacious reasoning to conclude from a decline in the total vote which seems to be one-sided that the absentees were all of one party and that changes from the Republican to the Democratic side did not occur; but these changes came evidently from the class of men who voted for Taft at the same time that they voted for Democratic Governors in 1908 and who are likely to be found ready to vote for Taft again in 1912, unless the Democratic party shows both capacity for constructive measures and determination not to be used as a stalking-horse for opposition to the policies which have so expanded the influence and prestige of the country since the election of President McKinley in 1896. In other words, the result of the elections of last autumn is to put both parties upon their good behavior, and the question of the result next year is largely the question which party most clearly demonstrates its capacity for such good behavior in the future.

The problems before the Democratic majority in the House of Representatives are difficult and delicate, even if the party had not in times past exhibited only a mediocre capacity for cohesion and constructive work. In regard to the tariff, there is no doubt that the old fetish of extreme protectionism has lost its glamour and become stained and weather-beaten. It is no longer a crime for either Republican or Democrat to question the sanctity of existing schedules. Much more difficult, however, than pointing out inconsistencies in these schedules is the work of modifying them in a manner which will afford any real benefits to consumers.

To some extent the results of tariff revision, even if attained in a conservative and sound manner, are likely to prove illusory. There are rates which are high, where the industry is so well established that reductions would not increase imports, at least for a considerable period of time. American manufacturers control the market and the means of distribution. They have in many such cases, moreover, through competition among themselves, reduced prices to a point where the importer can no longer find the large profits

in the sale of foreign goods which he could exact when they were exceptional luxuries in this country and he was the only source of supply. Protection has in such cases accomplished its purposes and can be wisely done away with or reduced. In these cases, however, and in many others, the results of tariff reductions to the consumer would materialize in "much cry and little wool."

The serious problem for the present Congress is whether this policy of trifling corrections is to be the policy of the Democratic leaders or they are to adopt a distinctive programme departing radically from the policy of the country in the past. Whether a new departure would result ultimately, after the transition pangs were over, in benefits to the economic system of the country is not the question under discussion here. The essential question is what course can be adopted having so much promise of immediate benefits and so little promise of injury to industry and labor as to be politically practicable. For convenience the possible alternatives before the Democratic party in regard to the tariff may be reduced to three — a purely revenue tariff, which would levy nearly the same ad valorem rates on raw materials as on finished goods; the complete reconstruction of our fiscal system by substituting income and excise taxes for the tariff as the chief source of revenue; and the continuance of the protective system in substance, with reductions here and there in existing duties.

All but the last of these policies would involve economic upheaval and political revolt in Democratic States, even if they could be justified in the court of abstract economic theory. A purely revenue tariff means nearly as complete an abandonment of existing policies as would the adoption of a new fiscal system. And at the end of the latter road lies State socialism. The country may reach it in some distant future, when a Lloyd-George arises, dowered with the eloquence of a Bryan and the constructive ability of a Gallatin; but only after many contests and repeated defeats at the polls could such a programme become the fixed economic policy of the country.

Judging, moreover, from the past, there does not exist among Democratic leaders either the constructive ability, the courage, or the political power to carry out a reorganization on abstract scientific lines of our system of taxation. Constructive ability for such a work involves profound and

unprejudiced study of the fiscal history of the world from ancient to modern times. Courage is required sufficient to face the results of the economic upheaval and prolonged distress which would almost inevitably accompany the transition from a system fortified by sixty years of experience—even if such a transition were more disturbing and acute by the measure that the existing system departs from the correct economic ideal. The lack of power to adopt a radical policy is a natural corollary of the reasons which cause the lack of courage. The membership of the Democratic party is made up, like that of the Republican party, of hundreds of thousands of men who do not live and think in a vacuum, but whose employment and personal fortunes are bound up with the orderly working of the existing mechanism of industry. Within their own party ranks they would put a veto on the policy of a Peel or a Lloyd-George, even more resolutely than Gorman and other Democratic Senators did on the generally moderate tariff reforms of Cleveland and William L. Wilson in 1894.

The problem of changing the economic policy of a country is a much more serious one to-day than it was in the days of Huskisson and Peel or of Calhoun and Robert J. Walker. By the rapid development of production by machinery the amount of capital invested in the mechanism of production has come to exceed by many times the value of the annual product. Any economic change which would mean that the existing railway equipment of the country or its existing manufacturing equipment of several billions should go to the scrap-heap would mean the destruction of more capital value than the workers in these industries could replace in many years. Whatever the merits of any new policy, therefore, it cannot be put in force by conservative statesmen without measuring carefully the cost of the transition. In considering these elements lies the difference between the agitator and the statesman—the former aiming straight at ideals without taking account of time; the latter studying carefully the effect of transition from old conditions to new upon the living generation. And if the cost of transition appears to be greater than the profit gained within the living generation, the wise statesman is apt to proceed slowly with the transition or to bequeath it to his successors.

Under these circumstances, it may be conceded to the Democratic party that even if, in the matter of changes of

tariff policy, it takes, in platform declarations and on the stump, the attitude of the agitator, in practical legislation it is not likely to get further than mildly tinkering the existing economic structure. People may listen with gaping mouths and seeming enthusiasm to declarations that protection is "a covenant with death and an agreement with hell," but they are likely to dismiss such declamation with about the same respect for its preachers as they felt for the preacher of that other disturbing doctrine of fifteen years ago, that "The gold standard is a conspiracy against the human race." And what shall it profit the country if Democratic leaders, after violent mouthings on the hustings, end with "the lame and impotent conclusion" to compromise with the hydra-head of protection at eighty or ninety per cent. of its old privileges, upon the trivial and evasive excuse that customs revenues are made necessary by Republican extravagance? Will the country care to pay the price in industrial upheaval and business uncertainty for so insignificant an outcome of the labor of the mountain?

Not alone within factory walls will a Democratic triumph bring uncertainty, but in many other quarters. A change of political control often brings important results in fields which have not been much raked and harrowed in the ordinary discussions of the campaign. In at least two such fields Democratic control at Washington after 1912 would be likely to invoke hesitation and distrust, perhaps gradually ripening into business prostration and dangerous complications with foreign powers. These two fields are those of finance and our policy in our dependencies and in Latin America.

The menace to sound financial policy involved in the last Bryan campaign (in 1908) received scant discussion in concrete form, but it was undoubtedly one of the factors in the undercurrent of feeling which prevailed that the sober judgment of the business community would give Judge Taft a safe majority. The more responsible Democratic leaders undoubtedly repent in secret, even if they do not care to make public penance, for the free-silver folly of 1896. It is not necessary to twit them unduly with that financial and political "brain-storm," even though they felt compelled, in 1900, to "reaffirm and indorse the principles of the national Democratic platform adopted at Chicago in 1896" and to demand again "free and unlimited coinage of silver

and gold at the present legal ratio of 16 to 1, without waiting for the aid or consent of any other nation." It does not lie in the mouth of the Republican party to claim a stainless past in financial matters, with its history of the issue of the irredeemable greenback over the protest of the financial community, its adoption of the rigid and clumsy system of bond-secured bank-notes, or the much more recent folly of the Sherman silver-purchase law of 1890, which all but sent the country to the silver basis.

Political parties are entitled to the credit of the progress which they make and for the abandonment of past errors; but they are justly held responsible for their recent acts and for the ineffaceable marks of their essential character. Tried by these reasonable tests, the recent declarations and policies of the Democratic party are not such as to inspire confidence in its constructive and safe conduct of the public finances. It might not enact free silver; it might not in time of peace suspend gold payments or issue irredeemable paper. But the essential question is, could it be trusted in case of stress to follow the dictates of sound and enlightened economic policy, to maintain confidence in the national credit, and to take strong and resolute measures to keep the public treasury full and the gold standard unimpaired? If it could be trusted to do these things, then not only its immediate policies but its fundamental character have changed radically since President Cleveland and his great Secretaries of the Treasury—Manning, Fairchild, and Carlisle—struggled in vain with a divided party to adopt policies coherent, sane, and progressive.

Unfortunately, the recent past of the Democratic party does not contain the evidence that this revolution in its character has taken place. At the last national convention of the party in 1908 this declaration was made:

> "We believe that in so far as the needs of commerce require an emergency currency such currency should be issued, controlled by the Federal Government, and loaned on adequate security to national and State banks. We pledge ourselves to legislation under which the national banks shall be required to establish a guarantee fund for the prompt payment of the depositors of any insolvent national bank under an equitable system which shall be available to all State banking institutions which wish to use it."

It is not necessary to dwell at length upon the low scale of financial intelligence embodied in these propositions. The first, if it means anything, means a harking back to the

follies of government paper issues, which sane governments, even in South America, have long since repudiated. The second means the extension of the blanket of official protection over all banks, good, bad, and indifferent, with no inducement to the depositor to prefer the well-managed bank to the rotten one. There is much to be said in favor of insuring bank assets, and the complete data on the subject make it practicable to determine the terms and the risk almost as accurately as in the case of life insurance; but the insurers should have the right to decide who shall be accepted for insurance and thereby to draw a sharp line between the sound and the unsound—the healthy, temperate institution of steady habits and good character and the banking morphine-fiend and boozer, which may at any moment collapse with the sudden bursting of an artery rendered brittle by the arterial sclerosis of fast financial living.

The platform declaration of 1908 might be passed over as a mere incident of political blundering if this excuse did not raise the question why there was not some one among Democratic leaders at a national convention who did not have the good sense and the influence to check such blundering. The answer to this question can, perhaps, be legitimately sought in the financial policies of the party, since it received from the people a charter of power in the House of Representatives in the elections of last autumn. One of the measures passed by the Republican majority in Congress before going out of power was a bill which prohibited the employment of the Panama Canal bonds to be hereafter issued as the basis for bank-note circulation. It was a long, firm step toward severing the relation between the volume of currency and the public debt, toward which sane students of finance have been working for years. A Democratic minority of the committee charged with considering the bill actually reported against this provision, on the ground that it would protect existing bonds from depreciation and thereby benefit the banks. The amazing spectacle was thus presented by the representatives of the Democratic party, which had all through the fight over resumption opposed the national bank currency, of advancing with flying banners in 1910 to the abandoned Republican camping-ground of 1864!

Another measure of sinister import as to the temper of the new Democratic majority in Congress is the bill of Representative Fitzgerald of New York, cutting off the right

of the Treasury to borrow a limited amount of money on one-year notes. There is hardly a civilized government in the world which has not some such power as this, in order to anticipate the collection of the taxes or to provide for temporary emergencies. The authority to borrow in anticipation of the taxes is one of the commonest votes of a New England town meeting and is constantly exercised by the city of New York. That the Treasury lacked this power, or was slow to exercise it, was one of the cumulative causes of our prolonged financial agonies from 1893 to 1897. That a bill crippling the Government in this particular should be introduced by a Socialist member from Milwaukee or from one of the new lands of economic experiment in the Southwest might not be surprising, but that it should come from a representative of the commercial metropolis of the country, and a man who has been long enough in Congress to rise to the position of chairman of the Committee on Appropriations, is a rather disquieting indication of the mental horizon on financial subjects of men now in authority.

On the subject of a resolute maintenance of American prestige in the dependencies and at foreign courts there is also reason to doubt whether a policy at once dignified, consistent, and strong could be expected from a Democratic administration. Such a policy no doubt might be expected in the executive department from a man like Governor Harmon, Governor Wilson, or Governor Baldwin; but in view of the attitude of Mr. Bryan and a large element in the party, it is doubtful whether a resolute policy on the part of the executive would not be hampered and partially nullified by divisions in the legislative branch of the government, just as the financial reforms of President Cleveland were so largely nullified.

Especially would this danger exist in respect to the dependencies acquired in the war with Spain and in respect to the execution of contracts into which the Government of the United States has entered with Santo Domingo and proposes to enter with other powers of deranged finances. Whether the present policy in the Philippines is ethically sound or not, it is certain that abortive agitation in America for the abandonment of that policy would cause restlessness in the islands which might result in bloodshed. The practical question would be, not what policy is ideally the best, but whether a Democratic administration would have the

constructive capacity and the cohesion to adopt *any* policy. If it is desirable that the Philippines should be relegated to the control of a local oligarchy or to any other new body of governors, and the Democratic party would enter resolutely upon the execution of that policy, it would be at least entitled to credit for the courage of its convictions. What is to be feared from past experience is that the agitation of the subject would invoke disturbance, compel increased expenditure for military and naval purposes, and perhaps evoke useless bloodshed, without the adoption on the part of a Democratic administration of any policy more tangible than that of inflaming the passions of the excitable and disappointing the hopes of the more sober among the Filipinos.

In the field of American aid in establishing honest financial methods in countries which have heretofore been disturbed by revolution and financial incompetence, making it possible for those countries to enter on the path of orderly progress, experience dictates the fear that there would be just enough uncertainty regarding the attitude of a Democratic administration to impair the solidity of existing settlements and cause disturbances in the financial world, without the adoption of any new and clear-cut policy. In the last analysis a Democratic President would probably feel compelled in this field to follow about the policy of a Republican President. The danger is that he would follow it with such halting steps and after so much paltering and delay that he would do at least half the harm which would be done by a deliberate and courageous abandonment of the obligations which in these matters the United States has assumed.

None of these matters present in their practical form a great issue which might stir public opinion to its depths; but they present about the same sort of issue which was presented in 1908, when the country decided that Judge Taft would be a safer President than Mr. Bryan by a plurality of 1,271,000 votes, and decided at the same time that it preferred a Republican to a Democratic Congress by a plurality of 687,000 votes. The elections of 1910 showed a Democratic plurality in the vote for Congress of 129,000 votes, or a Republican net loss of 816,000; but neither these figures nor the evidences of public opinion indicate that President Taft is now in a minority in the confidence of the people.

The real battle of next year is likely to center in the States of New York and Ohio, with very little chance of

Democratic success without the electoral vote of both or of New York alone. Ingenious combinations can be made up by which a Democratic candidate might win without New York, if he carried Ohio, but they involve such narrow margins and improbable eddies and side-currents of public opinion that they hardly afford profitable matter for speculation. The Southern States will lose somewhat in relative strength by the new apportionment. Out of an increase of forty-two electors under the Crumpacker plan, the South gains but ten, leaving thirty-two gained by States which have in recent Presidential elections voted Republican, except Colorado with a gain of one. The old "solid South," moreover, includes West Virginia, with a gain of one, which has voted Republican in every Presidential election since 1892; Delaware, with the same record; and Missouri and Maryland, which have in late years been very close, Missouri voting twice for a Republican President and even choosing the Republican State ticket in the Democratic tidal wave of last year.

The united South, with Nebraska, Colorado, and Nevada (three States which voted for Bryan in 1908), and with Indiana, Montana, New Jersey, Connecticut, and Ohio, would give the Democratic candidate under the new apportionment a total of 267 votes, or four more than the number necessary to elect. This is an attractive combination, but when it is considered that it would fail by the elimination of the single State of Nebraska, or New Jersey, or Maryland, or Indiana, or West Virginia, or Colorado, or Missouri, or by the loss of the two States of Nevada and Montana, or of either of these States and Delaware, it is evident that a chain of this sort, no stronger than its weakest link, would be likely to give way at some point where perhaps weakness was least suspected.

Upon the winning of New York, therefore, must depend, as in the campaigns of 1880, 1884, 1888, and 1892, the real possibility of Democratic success. The Empire State will have, under the new apportionment, forty-five Presidential electors, seven more than her nearest rival, Pennsylvania, and not far below double the twenty-four of Ohio. If the Democrats can carry New York, they can afford with equanimity to see Ohio swing back to her Republican moorings, and even to carry with her a group of smaller doubtful States. The South with its 175 electoral votes, even with-

out West Virginia and Delaware, supported by the forty-five votes of New York, the fourteen of New Jersey, the seven of Connecticut, the six of Colorado, the three of Nevada, and the fifteen of Indiana, can elect a President, even with Mr. Bryan blowing cold upon a conservative candidate in Nebraska, with Ohio loyal to its Republican traditions, and with the other States west of the Mississippi voting as in 1908.

How, then, to carry New York? In the answer to this question lies the crux of the Democratic situation. If the party could be marshaled as a cohesive whole, under leadership strong, sane, and clear-sighted, it might be possible to present candidates and a platform which were a pledge of security to business enterprise and abstinence from radical agitation. The few Western States which have occasionally voted Democratic could then be left to knife the ticket as remorselessly as Mr. Bryan's followers knifed that loyal Democrat, Judge Parker, in 1904. The size of Republican majorities in those States would make no difference if the South joined the group of doubtful Eastern States in voting for the Democratic candidate. But where is the leadership to be found to map out such a policy or to enforce it by a two-thirds majority upon a Democratic national convention? Is it to be found among the followers of Mr. Bryan? or in the leadership of Champ Clark, or Oscar W. Underwood, or Henry George, or Mr. Fitzgerald of New York? Or is it to be found in the profound political foresight of Charles F. Murphy?

If such a policy is not attainable, what is left for the Democratic national organization but a choice between the policy of radicalism, which the country has three times repudiated, and the policy of incoherent criticism of Republican measures and policies, without venturing to propose anything definite and constructive in their place?

It is not unnatural that a liberty-loving people should desire to intrust the powers of government at intervals to a party so catholic in its traditions and so glorious in its early achievements as the Democratic party. Its name is a true definition of the great work in behalf of the political emancipation of the Caucasian race and the extension of universal suffrage, freedom of religious worship, and equality before the law which were the crowning glories of the administrations of Jefferson, Madison, and Monroe.

But that work has been done. The problems before the country to-day require a very different order of statesmanship from that of the great Revolutionary leaders or even that of Benton and Calhoun, of Franklin Pierce and James Buchanan.

In some respects the antagonism between the Democratic party and the Republican party bears the stamp of the difference between the Greeks and Romans of antiquity—the former marked by that independence of thought and action which contributed admirably to the development of the individual, but which went down in the conflict with the more cohesively organized and disciplined forces of Rome. Beautiful as is the ideal of individualism, the world has not yet reached the point where organization, party discipline, and the leadership of men in great masses are not essential to government, and pre-eminently so to the government of an empire of many millions of people and hundreds of the islands of the sea.

Hence both in England and America the party making the lesser appeal to the body of the people from the democratic point of view has been almost continuously kept in power when there was constructive work to be done. Often—as in the case when Gladstone accepted the occupation of Egypt—the Democratic party organization has been compelled to accept the necessities of a resolute national policy or confess itself lacking in national spirit. It would probably be thus with the Democratic party in the United States—that if installed in power its fulminations against the extension of American influence throughout the world would taper off into a half-hearted and halting acceptance of Republican measures rather than a direct repudiation and abandonment of them. But for the best constructive work is always essential the man or the organization which is convinced, enthusiastic, and capable of unity of action. Upon these grounds the Republican party will be able to make the same appeal to the judgment of those voters who seek financial security and the extension of national prestige which it made in 1900 and in later years, in spite of the evasive mutterings of Mr. Bryan against sound finance and even of sound-money Democrats against the policy which became ours with the lowering of the Spanish flag over the ships and forts in the Bay of Manila.

The Republican party, after the election of President

McKinley by the almost undivided vote of the business community, entered upon a new career. By the necessities of the war with Spain it became the executor of a policy of imperial expansion which has given the United States a new place among the nations and an influence which extends to the remote Orient as well as over the American hemisphere. The new problems of railway and corporate regulation have been faced, under President Roosevelt and President Taft, with constructive ability which has, perhaps, gone too far at times in causing apprehensions among men of business, but has gone nothing like as far as the radical pronouncements of the opposition. Order has been restored to the national finances by the adoption of the gold standard and provision for an emergency currency, which seem about to be capped by the creation of a central banking mechanism capable of endowing our producers with the capacity to compete on an equality with their rivals abroad. It was the conviction of the thinking element in the community that Judge Taft would continue this policy of orderly progress, without unnecessary disturbance to capital or labor, which resulted in his election in 1908 over Mr. Bryan, and, in spite of reverses to Republican State candidates last year, there is no conclusive evidence that this conviction has changed.

EX-DEMOCRAT.

ASPECTS OF PUBLIC OWNERSHIP

BY SYDNEY BROOKS.

I.

The past fifty years have witnessed in nearly all progressive and highly civilized countries, and in some also, such as Russia, that hardly warrant either adjective, a great and an increasing extension of the functions and activities of the State. It is the outstanding political characteristic of the times we live in, the fact by which our epoch may perhaps be chiefly remembered. Half a century ago the instinctive feeling of the average man was that the less there was of government the better. So long as the institutions under which he lived fulfilled with reasonable efficiency the rôle of a superior policeman and protected personal and property rights he was content. It was all, or almost all, he asked of them. He lacked what we should call to-day the larger civic consciousness; he had little conception of a *régime* powerful for positive as well as for negative ends, and of a community organized and using its collective strength and energy for purposes of constructive and universal beneficence; it hardly occurred to him to make of local or national administration an agency for the active promotion of the common welfare; he retained in something like its pristine freshness the robust pioneer spirit of individualism; and so far from welcoming, he resented and strongly opposed everything that smacked of official meddlesomeness. We are far removed from him to-day; he seems in our eyes a poor, stunted, almost inexplicable figure; we can hardly recapture even the most meager vision of the state of mind which led John Bright, for instance, to oppose the Factory Acts and the Southern members of Congress to resist the despatch of Federal assistance to the victims of a Texan flood. Nowadays the presumption is held to be all in favor of the State doing the things that our fathers and grand-

fathers either did not do at all or left to private initiative. At innumerable points of our social and industrial life we find the municipality, the State or County, or the nation obtruding itself with an assertiveness that, as compared with fifty years ago, marks nothing less than a revolution in the attitude of men toward the deeper problems of modern politics. It would be a fascinating venture to explore the various economic, moral and social forces that have brought about this revolution and to estimate the probabilities of its provoking a reaction. But here I am concerned with only one, though a very important, side of the general movement. The relations between the community, on the one hand, and the public utilities on the other; the effects of the entrance of the State into the industrial field as the owner and operator or lessor of undertakings previously under private control; the balance that has been and that should be established between the interests of the public and the monopolistic or quasi-monopolistic enterprises that exist to serve the public—these are matters that not only open up a wide and rich sphere of political inquiry, but that are to-day among the most vital problems confronting the practical statesman; and it is with these that I hope to deal.

Anybody venturing upon such an investigation finds himself obliged at the outset to make clear his fundamental point of view and to proclaim the particular "theory of State" in the light of which he proposes to grope his way. But in this matter I must confess to being in the extremely unfashionable plight of having no fundamental point of view and no "theory of State" at all. I am not a Socialist who believes in the nationalization of all the means of production, distribution and exchange, and who, therefore, sympathizes as a matter of course with the public ownership of everything ownable. I am not an Individualist of the extreme school that believes in the superiority at all times and under all circumstances of private enterprise over the action of the State. What is more, I am profoundly sceptical of any attempt to solve political problems by constant reference to a set of absolute laws. One of the most common and preposterous fallacies of our times is to suppose that there are any political dogmas which are universally true or any political prescription which can be applied indiscriminately or any political machinery which does not depend for nine-tenths of its value upon the engineers and the

local conditions under which they work. We see this fallacy at work on all sides and in a hundred forms. We see men brandishing the formulæ and maxims and shibboleths of modern Occidental democracy without the ghost of a suspicion that what is good for Wisconsin may not be equally good for the Philippines, or that principles which work well enough in Great Britain may not be equally successful in India. We see, again, whole communities, with the United States in their van, dominated and demoralized by the superstition of the statute-book, persuading themselves that abuses, wrongs and shortcomings, whatever their nature, can all be remedied by some purely mechanical readjustment, some legislative expedient, some amendment of the external accessories of government. This faith in the universality of political notions that have derived whatever efficacy and validity they possess from the peculiar circumstances of special epochs or particular localities, and this confidence in the remedial virtues of mere machinery, seem to me to be the chief source of most of the loose philosophy and raw legislation that characterize our modern politics. They are delusions that ought to be fought and guarded against at all times. But in any dispassionate discussion of the manifold and intricate problems that are intertwined with the question of Public Ownership it is vital to exclude them. The type of mind which argues that because Glasgow has made a success in owning and operating the local service of street-cars, therefore Pittsburg or San Francisco would be equally successful and should at once follow in Glasgow's footsteps, is a type of mind that really ought not to be allowed to meddle with politics. It is fundamentally incapable of appreciating the fact that the forces which determine the success or failure of any and every political experiment are infinitely more local than general and more personal than mechanical.

The *credo,* then, which is the starting-point of these articles is that each case in which the question of Public Ownership is involved should be decided on its merits and without reference to any *a priori* views; that the ultimate test in every given instance is the test of Expediency—meaning by that the needs, the political character and conditions of the people immediately affected and the nature of the enterprise they are contemplating; that analogies drawn from the experiences of other towns or countries are in general

to be received not only with caution, but with suspicion; that Public Ownership in itself is neither an essentially good thing nor an essentially bad one; and that the more or the less of it argues nothing as to the happiness, prosperity or civilization of any particular community. This, I am aware, must seem an abjectly unphilosophical and negative creed to those who favor an extension of Public Ownership in the name of "freedom" and "equality of opportunity," and to those also who oppose it in the name of some abstract principle which they label Individualism. But it has at least the advantage of enabling one to study the whole question with detachment and with an exclusive desire to ascertain the facts. This is an attitude of mind not easily attained by those who regard the acquisition and operation of the local gas-works or electric-lighting plant by a municipality or of the railroads by a State as an inherent sign of either progress or retrogression. A very able English economist, Mr. J. A. Hobson, was recently defining the reforms to which English Liberalism should devote itself in order to secure for individuals a larger measure of liberty in the disposal of their lives. He argued that in the front of this charter of individual liberty came the right of every man to an equal share with every other in the use of the land and of the other natural resources of his native country, and that this right could only be made effective when private ownership in urban and large portions of rural land had gradually given place to public ownership. Again, the right to move unhindered from one spot to another was a necessary element of liberty, and the fulfilment of this right demanded the nationalization of the railroads. No man, once more, could be called really free in this age of trade unless he possessed cheap and reliable access to the sources of industrial energy; the State, therefore, should own and operate the supply of electricity and whatever other forms of mechanical power might be discovered. The use of capital on fair and equal terms was another essential of commercial liberty, and to secure it the State should take over the whole of the money-lending business from the pawn-shop up to the largest discount operations. Even so the individual would not be in full possession of freedom. To relieve him from his remaining disabilities, the State should annex the whole business of insurance, should convert the Bar into a public profession and shoulder all the

expenses of criminal and civil litigation, and should make education free from the primary school to the university. I do not propose to discuss these projects or the theory of society on which they are based, but merely to point out that to one holding such views Public Ownership must appear, not as a question standing by itself and fenced round by innumerable local considerations, but as a step toward a vast social transformation, as a device intrinsically praiseworthy and beneficent, to be judged accordingly less by its actual workings in practice than as part of a much wider policy or ideal. The defect of such an attitude is partly that it assumes too much—it takes for granted, for instance, that the local or national ownership and operation of the public utilities and services is better than their ownership and operation by private companies under the control and regulation of the community—and partly that it induces a disposition to conceal or deny the facts when municipal or State management results either in partial or total failure. In the same way the rigid Individualist, detecting in every expansion of the State's activities the cloven hoof of "Socialism," and holding to the principle that limited and properly safeguarded franchises to corporations are in all cases preferable to the direct intervention of the nation or the municipality in trading enterprises and that the State should only engage in such undertakings as are beyond the scope or the desire of private initiative, is much too apt to be committed to the most lugubrious view of Public Ownership and to ignore the fact that under certain conditions its advantages may be shown to outweigh its disadvantages. It seems, therefore, advisable, if one wishes to see things as they really are, not to deal too largely in abstractions or in rigid formularies of any kind, but to approach the general question as a subject more or less complete in itself and with the least possible intention of forcing one's examination of it to prove or disprove any particular body of doctrine.

There is another pitfall to be avoided. It lies in the assumption that the degree in which Public Ownership obtains in any community is a touchstone of that community's civilization. People have got into a hazy way of taking it for granted that the country in which the State arrogates to itself the most responsibility is necessarily healthier, more advanced and better organized for eliminating waste and

confusion, and for promoting the common welfare of its people, than a country which, in the main, is dominated by private enterprise. But in the first place one might object to this that the world has been experimenting for a long while, that industrial paternalism has been in and out of fashion a score of times, that the latest form of it which we are here considering has only won its popularity within the last half-century, and that, though the tendency of the times undoubtedly points to its yet greater expansion in the future, there is nothing as yet to make one quite positive that it will not produce an ultimate revulsion and take rank with the sumptuary laws and the laws against usury as a phase in the cyclical revolutions that form the history of government. And, in the second place, the appeal to fact severely discounts the theory that the extent to which Public Ownership exists is the measure of national progressiveness. The country in which the Government is almost as much an agency of trade as an organ of administration is Russia; but no one would on that account be inclined to place Russia at the head of civilized nations. In India, again, the Government not only owns and operates most of the railroads, but is a half-partner with the *ryot* in the land, the cultivator paying to the State what in Europe and America he pays to the landlord; but one cannot, therefore, call India particularly blessed or hold her up as an example for the Western world to follow. Germany is not more "advanced" than Great Britain because she owns her railroads while great Britain does not; nor is it a proof of the inferiority of the American governmental and industrial organization that the telegraphs and telephones should be managed by the State in England and left to private enterprise in the United States. The sooner, indeed, one abandons the idea that Public Ownership is a necessary part of the "world-march," that all who indulge in it are in the van of progress, and that all who hold aloof from it are laggards in the race of civilization, the sooner is one likely to arrive at a moderately sound estimate of its merits and drawbacks. A list of the utilities managed or of the trades carried on by a State, it cannot be affirmed too emphatically, is no criterion of its intelligence, or of its success in bettering the national lot, or of its standing in the scale of civilization; and those peoples who embark on a policy of nationalization and municipalization, in the vague notion that

by so doing they are responding to the call of progress, and without considering how far such a venture is likely to harmonize with their local conditions, are in reality no wiser than the countries that one after another, from about 1780 to 1870, copied or transplanted the British Constitution, not because they needed it or were qualified either by their past history or their present circumstances to work it as it should be worked, but simply because it was the fashion of the period and was supposed to be the last word in the science of government.

Is there, then, no universal test to which, in any given instance, the question of Public Ownership may be submitted? I have already suggested that I know of none except the test of Expediency. It was not the least shrewd of American statesmen who declared the Tariff to be a local issue. With a somewhat different signification, one may assert that Public Ownership is or should be a local issue. That is to say, it is an issue conditioned, first, by the special character, requirements, habits of mind and political experience and morality of the town or country in which it is raised; and, secondly, by the nature and extent of the particular undertaking that it is proposed to deal with. The case, for example, in favor of a municipality owning, constructing, and operating its sewerage system stands on a footing altogether different from, and very much stronger than, any case that could be urged in favor of its running a public bakery. In the one instance you have a complete monopoly rendering services of vital importance to the health of the community and presenting almost insuperable difficulties of inspection and the regulation of prices so long as it remains in private hands; and in the other instance you have a municipality directly competing in a business which private traders, under enforced sanitary supervision, have proved themselves perfectly competent to carry on to their own and the community's benefit. In the same way arguments that are sufficient to justify a municipality in controlling the streets or erecting slaughter-houses or maintaining markets and cemeteries do not necessarily warrant it in establishing municipal laundries, nursing-homes or theaters. There is nothing inconsistent, though a great many people cannot be got to see it, in advocating municipal water-works and resisting a municipal electric-lighting supply, any more than there is anything inconsist-

ent in approving Free Trade and a Monarchy in the special circumstances of England, and Protection and a Republic in the special circumstances of the United States. The point involved—namely, that the character of the particular enterprise in question is of vital moment in determining whether it should be inaugurated or taken over by the municipality or left in private hands—has so important a bearing on the general issue that it will be returned to and developed later on. Meantime it is enough to indicate it as entering very largely into the test of Expediency.

Another set of considerations that are even more relevant concern not so much the kind of undertaking that it is proposed to nationalize or municipalize as the kind of people who will have the management of it when it passes under public control—their political traditions and habits, their administrative experience and efficiency, their standards of official honesty, the whole environment and atmosphere in which they will be called upon to discharge their functions. Here, again, it is not possible to lay down any hard and fast rule. But at the same time, it is not merely possible and permissible, but vitally essential to insist that the differences between towns and countries in external circumstances, political formation and character, industrial instincts and administrative aptitudes, are just as great as between individuals, and that these differences profoundly affect the problems of Public Ownership and make it more than usually imperative to submit the argument from analogy to a merciless dissection. Local and national ownership and operation of the chief public services will be one thing in a country, like Germany, where the bureaucratic tradition is strong and individual initiative perceptibly weaker than collective initiative, and another thing in a country, such as the United States, where the best brains are to be looked for outside of the municipal, State and Federal Governments and where the unit has consistently shown itself immeasurably more enterprising and efficient than the group. The risks attendant on a programme of municipalization will be much less in England, where men of leisure, experience and first-rate business capacity are willing to serve on the City Council, than in a country where the sense of civic patriotism is at a low ebb, where local politics have fallen into the hands of professional grafters, and where official probity is under a constant cloud of suspicion. An

enterprise that is conducted successfully and with economy under a stable administrative system may break down altogether under a *régime* that favors a succession of officials on short or precarious tenures or that is exposed to the unremitting pressure of commercial or political interests. The area within which Public Ownership may safely be invoked by all municipalities in all lands is, in short, extremely small; and the far larger and more debatable area within which Public Ownership fails at one spot and succeeds at another is so broken up by the infinite variety of local conditions as almost to defy classification or description as a whole. That "one man's meat is another man's poison" is as true of the body politic as of the body physical; and neither for municipalities nor for nations can one lay down any but the narrowest and most austere regimen in the hope of finding it universally applicable and universally beneficial. Take, for instance, the question of the nationalization of the railroads. In Germany it is a realized project to which the people have adjusted themselves and become habituated. In Great Britain it is just entering the field of practical political discussion as an experiment fraught with tremendous hazards, but not to be dismissed as inconceivable. In the United States it cannot yet be said to have reached even that tentative stage; and the American people, as they showed when Mr. Bryan dropped a hint in that direction, would all but unanimously regard a proposal for the Federal ownership and operation of their railroads as a political and industrial revolution so stupendous as to be hardly worth debating. What useful purpose, under such circumstances, would be served by a disquisition on railroad nationalization that failed to take into account the varying standpoints, inclinations and conditions of the German, British and American peoples and to show that the problem, while superficially the same in all three countries, was fundamentally different, was looked at from different angles, occupied different degrees of importance, was embedded in different social, political and industrial strata, and that the only certain thing, therefore, that could be predicted, if it were treated in all three cases alike, would be the emergence of three totally different sets of consequences?

These observations for all their conspicuous triteness are none the less worth formulating, partly because they go near the root of the matter in so far as they insist on the

need of examining each question of Public Ownership on its merits and in the light of local conditions, and partly because their very obviousness causes the moral they convey to be constantly forgotten. Americans especially, having only recently begun to experiment with municipal ownership, are apt to fix their gaze on some "model city" in Europe and to exclaim, "Why cannot Cleveland or Chicago or New York be as Birmingham and Glasgow are?" Well, there are many answers to that too-familiar conundrum, and one of them may perhaps be found in a mere list of Glasgow's activities. The City Council supply the people of Glasgow with water, gas, electric light, cable and electric cars and telephones, in each case owning and operating the necessary plant. They control about a dozen public parks and galleries, as many bath and wash houses, a fruit and vegetable market, a dead-meat market, a home cattle-market, two foreign cattle-markets, a cheese-market, a bird and dog market, an old-clothes market, four slaughter-houses, four hospitals and a burial-ground. They are the owners of some three thousand municipal houses, some eighty lodging-houses, about ten of which they manage themselves; several hundred shops, warehouses and workshops; a dozen halls, two churches, two hotels, a theatre, a studio, a pawn-shop, a nursing-home, powder-mill, laundry and bake-house, a golf-course and a gospel tent. They farm over a thousand acres of land where large crops are grown, including all the hay used in the stables of the street-cleaning department as well as oats, wheat, turnips, etc.; they convert the city sewage into solid matter and sell it to the farmers for manure; they carry on business as market-gardeners; they possess stone-quarries and about one thousand railroad wagons; they build street-cars, reclaim bogs, conduct a civic granary, raise over five thousand dollars a year on the clinkers from the refuse-cremating furnaces, collect and sell waste-paper, and are not above melting and disposing of the solder from the old tin cans they find in the dust-heaps. Such umbrageous enterprises as these are clearly the product of highly specialized conditions, and to quote them as though they could flourish on any soil, as though they were a mere matter of machinery and legislation, is to miss altogether their essential secret. When any American city has evolved the political honesty and intelligence and the administrative stability that distinguish Glas-

gow, and has attracted to its service the same amount of self-sacrificing ability and experience, and has evaded the restrictions imposed upon the total of its indebtedness, and has also circumvented the American Constitution, it will be time enough to decide whether it should attempt to duplicate Glasgow's policy of municipalizing all the public utilities within reach.

This, of course, is not to assert that a municipality or a State before embracing Public Ownership will not do well to study the experience of other towns and other countries and will not find that experience of the highest value. It is simply to insist that in this, more perhaps than in most questions of politics and administration, the imponderabilia are of supreme and decisive moment and that Pittsburg, for instance, can only profit by the example of Glasgow, can only fully appreciate the guidance or the warning that Glasgow has to offer, if constant and ample allowance is made for the dissimilarity of local conditions, and if it is freely recognized that the same solution of what is apparently the same problem, may lead to very different results in the two cities. With this proviso kept always in mind an analysis of the workings of Public Ownership in Europe, and particularly in Great Britain, ought to be full of instruction as well as of interest to American investigators. England, especially, has found an answer of sorts—usually, it is true, of more than Delphic ambiguity—to almost every question propounded by the eruption of the local and national authorities into the industrial area; and it is mainly, therefore, on English experience that I shall draw in compiling these articles. The matters to be resolved may be summarized with comparative ease and brevity. We want to know the best method of regulating public utilities that are owned and operated by private corporations. We want to ascertain, if possible, some fairly broad and not too rigid principle that would help us to separate the services that ought to be taken over by the municipality or the State from those that might legitimately be left in private hands. We want, again, to strike an approximate balance between (1) Public Ownership combined with the lease of the undertaking to an unofficial corporation, (2) Public Ownership combined with public operation, and (3) private ownership and private operation under public control. Assuming that the advantage is found to lie with the system of Public Owner-

ship combined with public operation, we want, next, to discover how this system works—what are its financial effects in relieving taxation or in increasing local indebtedness, whether the services it supplies are of a better quality and lower in price than those which might be obtained from a properly regulated private company, what consequences result from the creation of a body of privileged workmen drawing higher pay from the public authority than they would receive from an ordinary employer, how far the expansion of State and municipal activities and the increase of State and municipal employment of labor affect the tone and character of politics and the interest of the people in their civic and national affairs, how far they react upon private enterprise and influence the flow of capital and the state of the labor-market, and what, finally, are the conditions, political, legal, administrative and "atmospheric," that give to Public Ownership its best chance of success. All of these are points that need far more careful and dispassionate consideration than they usually receive from controversialists. To probe them thoroughly would require a volume in itself. All that I can hope for in these articles is to throw a hasty light upon such of their principal features as seem to bear most directly on American conditions.

SYDNEY BROOKS.

DISARMAMENT AND ARBITRATION

BY "OBSERVER"

THE student of history and of the international situation of the present day easily perceives that the greatest practical obstacle in the way of disarmament is the unevenness of nations. They do not stand on the same plane of advancement, nor in the same circumstances of possible action. Take the case of Germany. She occupies the central portion of the great plain of northern Europe. Her north is coast-line; on the west is France, on the south is Austria, on the east is Russia, and on every side her frontiers are level and open. No sane man can object that Germany wears something of the aspect of an armed camp, or that, in spite of constitutions, she sustains her men of blood and iron and holds a mailed hand ready instantly to strike wherever attack is threatened. Germany must be taught that the dispositions of men have permanently changed, that dynastic and frontier disputes have been really forgotten, that her own past has been truly forgiven, before she can reasonably be expected to lay her arms aside.

But this is not the whole of Germany's case. It is not one of readiness of defense alone. No one who is conscious of what he sees can come into contact with the middle and upper classes in Germany without noticing a military spirit and an attitude toward armies and war which is different from that which prevails in England or the United States or in any but a comparatively small class in France. The really ruling classes in Germany not merely love the pomp and circumstance of military parade, they really believe in great military preparation in itself considered as a legitimate engine of national upbuilding and national glory, and they do not yet believe in disarmament in itself. This is, no doubt, a result of their history and nothing more than temporary, but it is at present an obstinate fact because

that history is so recent and, in part, because it was so brilliant. The advocate of any plan of disarmament which is intended to be practicable must deal with the fact that Germany does not stand on the same plane of advancement in regard to the general question with the other nations named.

But this also is not all Germany's case. As was perfectly natural, the union of Germany in a new national bond in 1871 was speedily followed by the birth of commercial and colonial ambitions impossible before. But the commercial, and especially the colonial situation which she found before her was not a hopeful one for a new-comer. The Anglo-Saxon race seemed to be in possession of the world. It was with the British Empire that these new German ambitions first came into collision, and it was first against the British Empire that a current of feeling began to form which has run strongly and deeply ever since and at times has threatened to burst all barriers. There followed two things. One was Bismarck's sudden settling upon certain bits of the African continent, which it had been tacitly taken for granted were within the sphere of British influence, thus beginning the open scramble for Africa. The second was the rise of a general criticism of England from the early eighties, expressing itself in public and private in many different ways so bitter as at times to be vituperative, directed against England's history, her past relations with Germany, her methods of conducting foreign business, her naval and colonial policy, and the morality of her political motives—a criticism which Germany's colonial successes have not moderated, but which has rather gained in volume and intensity as time has passed. No student of present European conditions should be misled into supposing that this feeling toward England originated in the Boer war. That war fed it with much inflammable stuff and it blazed up into public sight as it never had before, but that is the only difference between the period of the Boer war and any time, at least since 1885. The proof of the accuracy of this statement is abundant and irresistible. The only astonishing thing about the whole matter is that it took England fifteen years to find out the existing state of things. But there is another point which must be taken into account. The Boer War had been preceded by the war of the United States with Spain and by the sudden and unexpected rise of this country to the

position of a world power occupying important colonial regions. Very many Americans must be aware of the fact that the stream of criticism which until then had run solely against England began with these events to run strongly against us. It bore upon the same points—our historical inconsistencies, our methods of operation, the honesty of our intentions—and since that date every new move of ours in inter-American or in international affairs has been the signal for new outbursts of passion in the German press. The evidence for these facts is also incontrovertible.

I have not mentioned these things by way of criticism on Germany or to excite counter emotions of the same kind. I probably could not do that if I wished to, and I certainly wish far otherwise. This state of feeling in Germany must be judged entirely natural and almost inevitable considering her history since 1860. When, after long struggles, she found herself a united nation, it was highly commendable that she desired to take her place as a power of the first rank not merely in Europe, but in the world. If Germany had been a united nation in 1600 there can be no doubt but that the empire of the world would be differently divided to-day. Because this door had been so long closed to her, because she had been condemned to stand one side and see others partition out the earth, Germany realized, as no other nation did in 1880, the meaning of colonial empire and the narrowness of the provincial future before the people which must remain European only. That was the fate with which she saw herself threatened by the dominancé of the Anglo-Saxon race. It is not fair to say that the emotional depths of Germany have been stirred to such bitterness by commercial and colonial ambitions only. It has been by a clearer foresight than has been granted any Anglo-Saxon as yet of the way in which the ultimate position of races is to be determined. If this were the place for it, it would be possible to urge, from the German side at least, strong arguments in defense of this attitude toward England and the United States.

What is the purpose of this account is to assert as vigorously as possible that this feeling, that these three characteristics of Germany's position which have been described, are facts of the most stubborn sort which must be reckoned with by any advocate of disarmament. Theoretical discussions of a lofty ideal, cries of pathetic wonder that civilized

nations should hesitate to adopt so wise and so Christian a method of settling their disputes, and arbitration conventions, and peace prizes, are all of value after their sort in bringing on a better day. But the practical statesman who would devise a scheme not to excite applause, but to work in actual practice, must deal with facts as they are, with inherited tendencies and situations which are not going to be changed this summer.

In the actual situation as it is, no student of international affairs but must say that the most serious obstacle in the way of general disarmament is Germany. Whether you approve or condemn, that is the fact. How are you going to ask France to disarm? How are you going to ask England to stop building Dreadnoughts? The simple truth of the matter is that no nation has ever existed, or exists to-day, which, placed in the same situation as these two are against Germany, would not follow the same policy. This is the fact which the man who proposes any scheme must recognize.

The practical question, then, is twofold. Can the attitude of Germany be changed, or is there any workable possibility under which it can be disregarded? As to change, it seems almost hopeless within any reasonable time. No doubt the complete and permanent triumph of the present Socialist party in Germany—which must not be considered to be exactly what we mean by a Socialist party in this country—would carry with it the desired change. But even if that were possible, the result would not be a simple one, and many who desire disarmament might be excused for questioning the wisdom of reaching it by this means. No other means, however, seems possible except in the slow process of years.

If we turn to the other question and ask is it possible in any way safely to disregard the attitude of Germany and carry out a general disarmament while Germany still maintains the threat of war, there is again only one practical answer. It can be done only by making it possible to combine against any ordinarily conceivable war so great a weight of moral and perhaps of material force that no nation whatever could disregard it. Material force here can have but one meaning; it means men and guns, and that, it is objected, does not mean disarmament. It does not, so far forth, nor do I suppose that any advocate of disarmament means by it, an immediate and total abandonment of all military and naval forces, including those which may

seem desirable for land and sea police duty. Disarmament means the abandonment of the policy of withdrawing from the productive forces of the nation of vast amounts of human energy and acquired capital for no other purpose than to get ready for a possible war. This policy could be entirely abandoned and still leave the possibility of a combined material force which would be formidable and effective against any single nation which proposed to go to war. It would doubtless be slow in action. Beyond all question, a policy of general disarmament, with one nation of warlike disposition still standing to its arms, would mean great risk of temporary loss or even disaster to its immediate neighbors. It would be possible by general action to reduce this risk somewhat, but not to do away with it entirely. The chief reliance must be upon the moral weight of the combined judgment and combined action of the major part of the world. The position of a single nation which obstinately refused to disarm, standing against a general disarmament actually carried out, would shortly be intolerable to itself, and a minority of such nations could sustain themselves in refusal for any long period only by means of an anti-disarmament league, which is hardly conceivable.

All this means, necessarily, disarmament by combination, and it will be objected at once that this means alliance. It certainly does. Unless the dispositions of men change more than is likely in a generation, unless all nations can be brought more nearly to a common level in their feelings about war, in the character of their ambitions, and even in their opinions about the safety of their frontiers, no plan of general disarmament stands any chance of adoption except by way of an alliance, nor is any single nation likely to act alone upon a plan of its own so long as it retains a moderate stock of practical political wisdom. This may be a disagreeable fact, but I do not believe that it is possible for any one to examine impartially the international situation as it is and reach any other conclusion. Alliance, the open and avowed adoption of a common policy, agreement to stand by one another in the results of that policy, are absolutely essential and will be for some time to come. But it should not be forgotten that this is alliance of a new kind, not of the old. It is not an entangling alliance. It is not an offensive alliance. It is an alliance for peace, not for war, an agreement in restraint of passion, of unjust am-

bitions, and in limitation of manifest destinies that infringe upon the manifest destinies of others. It would be a little difficult to show that the ordinary objections against alliances hold for this or to discover a new argument against it.

It is exactly in respect to the considerations advanced in this article that President Taft's proposals for arbitration constitute by far the longest step yet taken toward a practical plan of disarmament. It does not name disarmament. It does not create an alliance. It proposes no more than an agreement in individual cases between two nations only. But in essence it involves the whole. It is the first step on the road that leads to this end, and it can logically lead to no other. Its practical wisdom as an act of the highest statesmanship consists in the fact that it asks for no more than is at the moment possible, not more than may easily be brought about. And yet what is asked for is obviously a beginning only. It tempts to steps beyond itself and leads inevitably to far wider results than the ends at first proposed.

Consider what may easily follow. There is obviously good prospect that three nations—England, France, and Japan—will agree to a treaty of complete arbitration with the United States, individually and separately, of course, but in essential agreement in the terms proposed. It is not likely that the first stage will go beyond this, and in it no disarmament need be expected. It will not be possible. But it is no dream to suppose that there might early develop such a common understanding between these four nations that they would stand ready to say to the most aggressive party in the crisis of an impending war that if the war is begun they also must be reckoned with as allies of the weaker or the better side. Is there any conceivable war, an attack of Russia on China, for example, that would be likely to occur in such circumstances? One only would be difficult to deal with—a combination of Russia, Germany, Austria, and the Balkan States for the dismemberment of Turkey. The probability of such a combination can easily be made out by any one who knows the situation even no more than in its larger details. One other contingency would be awkward—a threatened war by outside nations against one of these four.

Such a common understanding is not, however, the most

likely nor the most desirable line of progress. The second step should be an agreement in practically identical terms for arbitration without reservation, not of three nations with one other, but of each of the four with all the others. This would follow almost of itself and should be expected almost immediately. Before it could be completed other nations would have joined this millennial alliance—Italy, Spain, the minor European nations, the most advanced of the South-American republics. How long would it be before the danger spots of the world would be walled off, the most reluctant or sullen of peoples thrown under an unendurable burden of self-accusation? This is not the vision of a poet. These steps will be as certain and as necessary as the stages of a demonstration in Euclid, once the beginning is made. And the proposition of President Taft makes a beginning which logically involves the whole sequence of events to the final end of universal disarmament and world peace. The greatest practical obstacle that stands in the way of this first step is the Senate of the United States, and the duty of all Americans who desire these things is sufficiently obvious.

"OBSERVER."

AMERICAN COMMERCIAL DIPLOMACY

BY OSCAR S. STRAUS

Our diplomacy, in its aim and purposes, from the beginning was commercial as distinguished from political, and this purpose, in its very nature, gave to it the character of sincerity and straightforwardness. After our independence was established and we entered upon our national life as an independent nation, our first concern was to negotiate treaties of amity and commerce. As early as 1778 the first treaty we concluded as a nation was our Treaty of Amity and Commerce with France, by which France and the United States engaged mutually not to grant any favor to other nations in respect to commerce and navigation which should not immediately become common to the other party who should enjoy the same favor. Historical accuracy compels me to say that the aid France extended to us in our Revolution did not arise exclusively out of sympathy with or from sentiments of liberty, but underlying, if not superinducing her generous assistance, the remembrance of which our national sense of gratitude should ever cherish, there were substantial reasons of commercial interest; as the Revolution, besides affording an opportunity of weakening an enemy, also held out the probability of breaking up the British monopoly of trade with the colonies, a trade which France hoped to divert to herself.

In 1780 the earliest opportunity presented itself to our country to join in a European coalition, the "Armed Neutrality," an agreement by means of which a convention was entered into between Russia, Denmark, Sweden, and Holland to protect neutral commerce; it defined contraband and declared "free ships make free goods." The United States desired to take part in this concert, and sent Francis Dana to Russia, but Russia would not receive him, and our adhesion was most courteously rejected.

Washington, in his Farewell Address, outlining with statesmanly foresight our national policy, said:

"The great rule of conduct for us in regard to foreign nations is in extending our commercial relations to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop."

At this time (1796) events had fully justified the wisdom of this policy, which had been adopted by Washington against the opposition of Jefferson and Madison and their partisans, who, because of their sympathy with the French democracy, endeavored to identify the interest of our country with France in her wars against the allied powers and with her unbridled and infuriated democracy. Conditions rapidly developed which compelled Washington to take a decided step forward amid difficulties and perplexities which at the present day it is, perhaps, not possible to adequately realize and much less measure, the young nation giving notice to the world that the United States was not to be a pawn on the chess-board of European politics, but would, in accordance with its independent position in the family of nations, follow its own best interests in accordance with its principles of international equity and justice. The conditions referred to were the overthrow of the French monarchy and the excesses of the French Revolution, and the coming to this country of a Minister from the French Directory, Genêt, who, upon his arrival at Charleston, appealed to the public opinion of the country, enlisting men, equipping vessels, commissioning privateers, as if the United States were a colony or a dependency of France. The crisis he provoked became so intense that it created a distinct division even in Washington's Cabinet, and it was found necessary and imperative for the President to suspend the functions of Genêt and demand his recall and to issue a proclamation of neutrality embodying the highest ideals of international text-writers and far in advance of that doctrine of expediency which then controlled the practices of nations. Hall, one of the foremost of the recent authoritative writers on international law, says of it:

"The policy of the United States in 1793 constitutes an epoch in the development of the usages of neutrality. . . . It represented by far the most advanced existing opinion as to what those obligations were. . . . In the main, however, it is identical with the standard of conduct which is now adopted by the community of nations."

The proclamation was characterized by the opposition as unwise and unjust in placing Great Britain upon the same footing and giving her the same privileges as France. It cannot be denied that its immediate effect had disadvantages for us in restricting our commerce with European nations, including Great Britain as well as France. In the following year (1794) Congress passed our first Neutrality Act which, as revised in 1818, in its main principles, guides the practice of civilized nations. This advanced position of neutrality, coupled with the independent attitude of the Washington administration, aggravated the opposition on the part of the maritime powers, none of whom entertained a friendly disposition toward us, and our efforts to negotiate treaties of commerce met with obstruction and delay. Discouraging as this condition was, yet the very causes that produced it subsequently aided us in negotiating more favorable treaties with the several powers than would otherwise have been possible. Frescot, in his *American Diplomatic History,* says:

"Thus the treaty with England was yielded to the necessities of the conditions of hostility between England and France; the treaty with Spain was the result of the changed attitude of that power toward England on the one side and France on the other; and the treaty with France depended upon the special relations which France at the moment wished to assume for her own purposes toward the other powers of Europe."

At the outbreak of the Revolution it was estimated that one-sixth of the wheat and flour exported from the United States and one-fourth of dried and pickled fish, besides other products, found their best markets in the ports of the Mediterranean. This commerce had grown up under the protection of the British flag, and there were employed from eighty to one hundred ships. When the war began this commerce had to be entirely abandoned, and the commercial loss was severely felt. In the treaty of 1778 with France it was proposed by the negotiators, in accordance with the instructions given to them by the Continental Congress, that France should take the place of Great Britain as the protector of the American vessels, but the King of France would go no further than to agree to employ his good offices.

The Barbary powers, Morocco and the regencies of Tunis, Tripoli and Algiers, which for generations subsisted by depredations on commerce, were known as the "Piratical States," and the European States, in order to protect their commerce, had their choice either of paying a

certain sum per head to ransom each captive or of buying entire freedom for their commerce by expenditure of large, stipulated annual sums. In the treaty renewed by France in 1788 with Algiers she agreed to pay $200,000 annually, besides large presents periodically. The peace of Spain with Algiers is said to have cost from three to five million dollars, and it is stated upon good authority that England was paying annual tribute of $280,000. England was the only power sufficiently strong on the sea to put down these pirates, but she found it to her commercial advantage as the mistress of the sea to leave them in existence and to pay a large annual tribute, so that they might remain a scourge to the commerce of other powers.

Lord Sheffield said in 1783, in his *Observations on the Commerce of the American States:*

> "It is not probable that the American States will have a very free trade in the Mediterranean. It will not be for the interests of any of the great maritime powers to protect them from the Barbary States. . . . That the Barbary States were advantageous to the maritime powers is certain. . . . The armed neutrality would be as hurtful to the great maritime powers as the Barbary States are useful. The Americans cannot protect themselves from the latter; they cannot pretend to a navy."

It may be incidentally mentioned that these difficulties with Barbary gave us a navy. I need not here detail the account of our relations with the Barbary powers, which forms a well-known and glorious chapter in our diplomatic history.

When the new government under the Constitution was formed, Jefferson, as Secretary of State, declared the determination of the United States "to prefer war in all cases to tribute under any form." But a navy was wanting to make this declaration effective. By December, 1793, the number of American vessels captured by Algerian corsairs had reached to thirteen and the number of captives to one hundred and nineteen. The United States, urged on by the cry of the captives, who it was then unable to rescue by force, accepted the conditions of the Dey, and by the expenditure of nearly eight hundred thousand dollars obtained the release of its citizens and purchased a peace which was signed on September 5th, 1795. A treaty with Tripoli followed in November, 1796, and with Tunis in August, 1797. In our treaty with Tripoli, concluded during the administration of Washington, we find a significant declaration, doubtless inserted to overcome the religious fanaticism of the Dey,

and for the purpose of emphasizing that our form of government was a civil commonwealth as distinguished from a monarchy where its Church and State are united or where the State is under the domination of an ecclesiastical hierarchy. The declaration referred to is contained in Article IX of the treaty, and reads as follows:

"As the Government of the United States of America is not in any sense founded on the Christian religion, as it has in itself no character of enmity against the laws, religion, or tranquillity of Mussulmans, . . . it is declared by the parties that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries."

Perhaps the idea was also to emphasize the strictly and exclusively commercial purpose intended to be served by the treaty. With the omission of the introductory phrase a similar declaration was inserted in the treaty with Tripoli of 1805 and in the treaties with Algiers of 1815 and 1816.

During the seven years following the second peace with Tripoli the foreign relations of the United States were comparatively uneventful, but the feeling of hostility broke out again in 1812 when it became known that war between the United States and Great Britain was then imminent. An act was passed by Congress on the 3d of March, 1815, "for the protection of the commerce of the United States against the Algerine cruisers." Two squadrons were ordered to the Mediterranean under Bainbridge and Decatur, and immediately upon their arrival on the scene they forced the Dey to sign a treaty by which it was declared that no tribute of any form or under any pretext should ever be required from the United States. Tripoli and Tunis were also admonished, and thereby through the intrepid course of our navy the Barbary pirates were taught, after centuries of depredations on life and property, to respect human rights, and the Mediterranean was made free to the commerce of the world.

I refer to but few of the leading incidents in our diplomacy affecting the rights of commerce, and I have purposely confined this review chiefly to such questions which advanced the freedom of commerce not exclusively for our country but for all nations. The efforts of the United States to secure for commerce the free navigation of rivers and seas began early in its history and has been persistently and successfully pushed forward upon the broad principles of

international justice and equality among nations; in other words, our policy on land and sea has consistently been that of "the open door." Besides maintaining the freedom of the seas, the United States from the beginning contended for the free navigation of the natural channels that lead to the seas. In the advocacy of this international principle for the freedom of commerce, it was mainly instrumental in bringing about the abolition in 1857 of the dues levied by Denmark on vessels and cargoes passing from the North Sea into the Baltic. Mr. Clay, as Secretary of State, in his protest against these dues and exactions declared that,

"if a canal to unite the Pacific and Atlantic oceans should ever be constructed, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls."

This principle is embodied in the Hay-Pauncefote Treaty for the neutralization of the Panama Canal. The free navigation of the St. Lawrence was secured for a limited period by the Reciprocity Treaty of 1854, and in perpetuity by the Treaty of Washington in 1871. In accordance with the same principles the United States endeavored to secure the free navigation of the Amazon, which was in 1866 voluntarily granted to all nations by the Emperor of Brazil. By a treaty with Bolivia in 1858 the Amazon and the La Plata, with their tributaries, were declared to be, " in accordance with fixed principles of international law, . . . channels open by nature for the commerce of all nations."

In 1821 the Emperor Alexander of Russia issued a ukase prohibiting foreign vessels from approaching within less than one hundred Italian miles from the northwestern coast of America, beginning from Bering's Strait to the fifty-first degree of north latitude. The Russian minister in Washington, in his note to our Government, made the additional claim of Russia's right of sovereignty over the whole of the northwestern continent of America above that line. These negotiations regarding Russia's extraordinary claims aroused a great deal of bitterness and hostility throughout the country until they were finally adjusted by the Convention of 1824. Madison, in writing to President Monroe in regard to the conclusion of this treaty, said:

" The convention with Russia is a propitious event in substituting amicable adjustment for the risks of hostile collision. But I give the Emperor

little credit for his consent to the principle of *mare liberum* in the North Pacific."

These negotiations are of the highest interest to us historically from another point of view, as in them expression was given to the main principles which soon came to be known as the Monroe Doctrine. A new Russian Minister, Baron de Tuyl, was sent over in the autumn of 1822. Mr. Adams wrote in his diary, "I find proof enough to put down the Russian Government, but how shall we answer the Russian cannon?" He states that a few days later the Russian Minister held a conversation with him and desired to know what instructions he had sent to Mr. Middleton, our Minister at St. Petersburg, and Mr. Adams says:

"I told him specially that we should contest the right of Russia to *any* territorial establishment on this continent: and that we should assume distinctly the principle that the American continents are no longer subjects for *any* new European colonial establishments."

When commerce was identified with piracy, and subsequently with the utter disregard of neutral rights, it was continually a source of irritation and aggravated the militant spirit between nations: but with the growth of the modern industrial development and the extension of foreign trade nations no longer find it profitable to be hostile to one another because of their prosperity. The commercial spirit, while it is competitive, is not a militant spirit, for in its final analysis foreign commerce rests upon mutuality, and a wealthy and prosperous nation is a much better customer than a poor nation. The commercial spirit, therefore, from enlightened self-interest favors the promotion of prosperity in other nations. The only apparent exception to this modern spirit of commerce is to be found in relation to trade with Oriental nations, where there is a tendency, on the part of the great powers, to establish spheres of influence and to force special concessions and exclusive privileges to the detriment of competing nations. America again has come to the forefront in insisting upon the "Open Door" in China and in other Oriental lands, and in the furtherance of which it has consistently refrained from and protested against the policy of some of the great powers who seek to advance their political influence in order to obtain exclusive rights for their commerce or who seek to establish exclusive commercial rights to promote their political influence. The

American policy which was so felicitously characterized by Secretary Hay as that of the "Monroe Doctrine and the Golden Rule" is an international policy of the highest equity and justice, and it should ever be our vigilant care that these two parallel purposes of our national policy in foreign affairs should not be so construed as to become incompatible in guarding our continental interests and our peaceful relations with the nations of the world. This will be the responsible task of American statesmanship, requiring no less the highest wisdom than the calmness of patriotic restraint to guide aright our destinies in times of stress.

It is largely due to the vast extension of commercial intercourse between nations in our times, which rests upon reciprocity, that the standard of public morals has been lifted from the lower sphere of international expediency to the higher sphere of morality and law. As examples of this may be cited the abolition of the slave-trade and the more recent efforts, on the part of China in concert with the leading powers, to prohibit the cultivation and trade in opium except for legitimate medical use. The standard of international morality yet continues to lag far behind the standard of commercial fair dealing within nations; the evidences of this are no more glaringly exhibited than in the exceptions in the laws of neutrality, which rest not on principle but on legal casuistry. As the law now stands, it is entirely lawful for the subjects of neutrals to supply belligerents with arms and ammunition, as well as by public subscription or otherwise raise loans to aid belligerents; yet the fact that such loans can be legally contracted not only makes war possible when otherwise either or both belligerents would be prevented by economic necessities from beginning a war or, when begun, from prolonging it. The Russo-Japanese War would certainly have come to an earlier end if neither belligerent could have borrowed money from the subjects of neutrals. It requires no argument to prove such acts are against the fundamental principles of real neutrality, and when the standards of international morality advance a single step further such contraband commerce and loans will no longer be considered lawful. No more practical work can be undertaken in the promotion of peace than to hasten the day when the laws of neutrality shall be made to square with the principles of impartiality, justice, and morality.

Oscar S. Straus.

DOORS

BY HERMANN HAGEDORN

Like a young child who to his mother's door
  Runs eager for the welcoming embrace,
  And finds the door shut, and with troubled face
Calls and through sobbing calls, and o'er and o'er
Calling, storms at the panel—so before
  A door that will not open, sick and numb,
  I listen for a word that will not come,
And know, at last, I may not enter more.

Silence! And through the silence and the dark
  By that closed door, the distant sob of tears
    Beats on my spirit, as on fairy shores
The spectral sea; and through the sobbing, hark!
  Down the fair-chambered corridor of years,
    The quiet shutting, one by one, of doors.

Hermann Hagedorn.

THE HUMAN INTEREST OF BUXTON

BY W. D. HOWELLS

THE customs inspector at Liverpool, vaguely but politely pawing over the contents of our trunks, could not find words warm enough in praise of our purpose of going to Buxton for a brace. Dropping an aspirate here and there among the clothes and picking it out to put it on in the wrong place, he said that there was nothing like Buxton for recovering from the languor of a sea voyage, and it was so near to Liverpool that we were in a manner already there. In a manner we were, after two or three hours' run or climb, with quite as many changes and waits at invigorating way-stations, rising one above another into the highest air in England. But the genius of English railroad travel is, after comfort, change, and you will do well not to repine at this, for you will not be able to help it, and it is so much eased by the porters at the smallest stations, with their promptness in seizing your hand-baggage and their instinctive recognition of your trunks among the contents of the luggage-van, that you had better resign yourself unmurmuring to the charm of the scenery till the train, which is to carry you half an hour farther, arrives to fulfil its mission. If you add birds singing wildly at one of the stops, and dusty-white men drawing the lime-kilns at another, you have inducements to resignation which the most rebellious spirit can scarcely resist.

I

It was, perhaps, the mildest, the most amiable day of a singularly sullen English summer, and after we had left all imaginable junctions behind we arrived at Buxton in the glowing expectation of a long term of settled weather. We were in such sympathy with the sunshine that we asked to have it in our rooms at the agreeable hotel which we found "standing in its own grounds," as hotels like to do in Eng-

land, with wide gardens and groves about it; and the manageress yielded us such rooms as we desired with a readiness in which I now realize that we might have suspected something ironical. But we did not; we pinned our faith to every ray of that sunshine, and as it waned with the waning afternoon we bade it farewell in the confident belief of seeing it the next morning.

Meanwhile we had happened upon the most psychological moment of the whole Buxton year. It was the time of dressing the wells, which in an older dispensation would so probably have been blessing them, but which now consisted of garlanding the different health-giving founts with flowers, and matting the gables of the more enthusiastic shops, and adorning the fronts of the public buildings with natural or artificial blossoms. Just what sort of health the founts gave I will not make sure, but I will say it was relief from rheumatism or uric acid in some form, for uric acid is a thing which so pervades the English system that specifics for it are found wherever medicinal springs burst from English ground. Springs, however, you must not say: wells is the word, and somehow a much more engaging word with an old-time flavor and a resonance from early piety that echoes in many a holy well and well of this saint or that, of one sex or the other, insomuch that the surly Puritans of the Commonwealth forbade the sick to resort to them at Buxton, holding it a superstitious yielding to popish idolatry.

But the dressing of the wells has survived the past rigor, and we proposed to pass the next day visiting them, and the day after in going to Haddon Hall, which is as hard by as any place in England is to any other, and is sacred to the simple exploit of Dorothy Vernon in eloping with the young lord of Rutland five hundred years ago. That first silvern afternoon we would spend as the small change of golden guineas of days of sunshine to come; we would lavish it in loitering up and down the glowing streets; we would waste it in sitting on the benches in the own-grounds of the hotel and wishing, like Mrs. Allen at Bath, in "Northanger Abbey," that we "had a general acquaintance" among the outwardly repellent but no doubt inwardly hospitable English folk whom we saw coming and going on the neat paths or bowed over their novels in the portico. The warmth, the excessive splendor of the day, was so generally confessed that we found one clerical father and clerical daughter with-

drawn from the fervor in a covert of the garden so dense and dark that we shuddered in passing it; but they had saved themselves from sunstroke and were rapt in their respective romances.

II

The amiable afternoon waned quite to our minds in the fulfilment of such desultory impulses as followed one another and resulted in a pretty fair exploration of the town. Buxton must, of course, have some historical interest of its own, but our local guide-book did not vaunt its memories, and people who came to Buxton seeking the past always go to Haddon Hall for it. We should have done well to go our first afternoon when the sun shone into our carefully selected southern windows, but we gave it to the pleasant up-and-down-hill streets, the tasteful exteriors of the wells and baths, and especially that charming Crescent of Georgian architecture, softly saffron in the mellow light, which so agreeably expresses an elderly ideal of lodgings, and of delay for the cure of complaints not to be vulgarly hurried in convalescence. A yet older ideal is expressed in the neighboring hostelry to which modern sympathy may resort in compassion of that hapless Mary Stuart who sojourned there, in one of those many wanderings of hers which were always the ways to dusty death. Hard by this sojourn and in front of the more modern Crescent an upland park or open ground rises, and there is another public park on the river which carries off the waste argon, helium and radium of the wells. Besides these attractions, there are numbers of nice shops where ladies can buy almost anything they do not need between the paroxysms of their neuralgia, and there are several pretty tea-shops where on a Saturday people can drink tea enough to last them over Sunday; or had better do so, for in compliance with the universal English custom the places are fast locked on the Sabbath—you may inebriate, but not cheer yourself then. But, above all, there are in Buxton The Gardens with Open Spaces, with a Sylvan Park, with Sylvan Walks, with Recreation Grounds, with a Grotto, with Artificial Lakes and a Pavilion, where you may happen upon music when it is playing. It is a very pleasant pavilion when silent and is in the immediate neighborhood of a circular tea-kiosk of the most amiable temperament, with blooming young English maids serving the largest strawberries grown in England, which is really saying everything.

In those places and the like we vainly expected the morrow when we should motor through the sparkling air of Buxton to Haddon Hall and surprise Dorothy Vernon before she could send word she was not at the moment eloping. The air of Buxton, by the way, is "specifically lighter by reason of its altitude, and dryer and of more tonic property than elsewhere in the same latitude" (so I read in my local guide-book) and the rainfall, though heavy, "is one of the most important and beneficial factors of the climate, the air being washed, purified and freed from bacterial and other impurities." Through this thoroughly laundered atmosphere we were not surprised to find the sun trying to look in at our windows when we woke the next morning for that nine-o'clock breakfast which is the earliest that love or money can buy anywhere in England. But the weather was holding effects in reserve against us which we learned to know later of the weather-wiser. When the maid or the valet opens your curtains and you exult in the sunshine she or he says, "Yes, but too bright." "How can a morning be too bright?" you scoff to yourself, and you do not acquire modesty till experience confirms the precept that if a day in England opens cheerfully it will go on to gloom and close in tears. Far better it should dawn sadly amidst clouds and downpours, for then it cannot be worse, and there are chances that it may be better.

III

But the sun went down as radiantly on our first day as it rose on our second, and we confidingly foregathered with our fellow guests after dinner in the lounge of the hotel for that entertainment which the summer hotel seldom fails of in England. This lounge was a sort of wide open space next the entrance, with the porter's booth and the manageress's office at one side and a very inadequate grate at the other, which people tried not to keep each other away from. Beyond stretched writing-rooms, yawned drawing-rooms frostily; a very noble stairway mounted from the lounge, but there was a lurking lift at one corner, kept secret by a uniformed boy who carried a key and locked and unlocked it on demand. Every night there was an entertainment in the lounge by strolling professionals; even Sunday night there was a concert. The concert was good, being mainly Welsh in the singing, but the entertainment was

truly deplorable; and the starting tear was the more compelled by the pity of having the head entertainer come round with a plate and gratefully receive whatever was dropped into it.

For shame and sorrow we paid what we thought would have been just gate money, and I dare say others did the same, but our hearts ached for the poor soul's humiliation, though he carried it off with a chipper ease and the queer gentlemanliness which seems the effect of the general civilization in England; his evening dress grieved one the more for him. But it was pleasant to have him speak to us in gratitude, for no one else spoke to us until the last night but one, when a kind lady had compassion on our isolation and took us into her friendly protection, so that we felt ourselves a part of society from that on. I cannot honestly say that it would have been different in America with the like hotel company or that I would myself have made up to two strangers under the circumstances. Perhaps the others were there for some ailment and were silent in question of the effect the free gases of the wells were having on their respective gout, rheumatism and neuralgia, and just how much argon, helium and radium were present in the waters. They might also have their doubts of the characteristic dryness of the Buxton air and the advantage of its great elevation above the sea. Even at a thousand feet the weather must have seemed very wet; and though the healing properties of the wells were known to the Romans, those Romans were without exception dead and could not be considered successful cases.

IV

In the morning the wisdom of the head porter decided us to abandon to the elements a day that had dawned so brightly and to take our chances in the town instead of venturing to Haddon Hall. The weather really had moments of relenting, and in one interval of the rain we saw the files of school children, who shared our courage, streaming down the street and making their way to the theater where they were to give the dances for the prizes offered. This was after the crowd, assembled on the hillside fronting the chief well and the Crescent, had scattered in despair of the promised dancing in the open there; but it is to be said of the theater that it was no damper or darker than the plain day, and that if the dances

(such as they are now reviving all over England from the times when England was merrier than now, in ignorance of the Lloyd-Georgian oppression of the poor dear lords, and nobody questioned their right to go untaxed in their respective thousands of acres) were given on a stage, instead of the grounds before the wells, they had some advantages there. I am sorry I cannot report the theater as thronged, but there was gate money classified in amount according to your rank in life or your depth of pocket, and that made the difference, perhaps. The place smelled of wet woolens, but the enthusiasm of some small dogs could not be quite repressed. One of them chewed upon the gloves of an American spectator; it was explained by its mistress that she had tried to leave it at home, but it would not be left. The audience was mostly children in charge of those self-sacrificing elders who take children to shows the world over; and when the dances were done (not too early done) we all, children and elders, trooped out and witnessed the distribution of large baskets of buns among the dancers. Every child was entitled to a bun; a bun of the sort that seems native to the island and not known elsewhere; slightly sweetened, thick, far round and speckled with not infrequent currants. Personally, I never ventured upon such a bun, but a middle-aging American who once did so told me that he was not hungry again for three weeks. I am not saying that buns are worse than pop-corn balls.

We ourselves were not really entitled to buns, and as we were rather faint from our pleasure, we hurried to a very cozy little tea-shop which we had noted in a neighboring street and had cups of that delicious tea which they know how to make only in England. But here we observed, as often before and afterwards, that a tea-shop is either overcrowded or empty and that the service superabounds or insuffices. The mistress of the place was very happy in her inability to meet the wants of her guests and smilingly left them standing till tables should be vacated, and then thirsting till earlier orders should be filled. It was all very kindly and simple, and the muffins, when they came, were as good as the tea and no one could complain. The next day was Sunday, and the tea-shop was fast shut against the public, which slaked its tea thirst we could not imagine where. I notice the same rule in the New York tea-shops, and it remains a universal mystery how people who raven for tea and

muffins on week-days are carried over the Sabbath with neither. It is, perhaps, a miracle.

V

That night we denied ourselves the entertainment in the lounge and went to the Fair which was to do its part, in the upper town, toward the festival of dressing the wells. It was an English Fair of those that follow holidays and anniversaries round the English year and purvey a simple joy to such as have pence or shillings to spend. There were streets of booths and tents lit, when the late twilight passed, with torches of smoky gasoline, and offering games and toys to the wanton desires of pleasure, or bargains in hardware, china, jewelry and haberdashery to adventurous thrift, with shrill cries of invitation from the showmen and showwomen. Every other booth or tent was for the joy of throwing things at Aunt Sallies and the masks of negroes, with prizes (preferably cocoanuts) for the successful marksmen; behind, the wagons were drawn up, and you heard between those clamors the soft deep breathing of horses and the muffled sound of their comfortable stamping. There were shows of several vaudeville types, some with a great outward splendor of gilded carving and some with the evanescent allure of clowns on the point of disappearing into the interior. There was, if my senses do not retroactively deceive me, a hiss and a smell of frying things, which were eaten from the fingers, and there were paper cones of American ice-cream, so called, which found acceptance with that amiable British public, though the mere sight of them sent the cold chills over the Americans who beheld them. There was no exhibition of fruits, or flowers, or live stock, or agricultural implements, such as take away the blame of the trotting-matches and balloon ascensions at our country fairs. But there were some serious attractions like character-reading by a sober-faced young man in a frock coat, from whom you learned to know yourself for a penny (or was it a tuppence?) and bore away a certificated detail of your qualities and the defects of them. Otherwise there was nothing but merry-making, with some palliation in the fact that nobody seemed to be made very merry, even by the merry-go-round. The fair folk seemed of another race from the town folk, and perhaps the free air and the open life breeds, under the

swarthy skins, a gipsy soul wanting to their patrons. Quite alien to both sorts was the aging Italian sibyl always to be found at public joys the world over with her fortune-telling love-birds. After having my character read I could not help having my fortune told, and when I pleaded in Italian for a favorable destiny the sibyl was so glad of the sound of her home speech in the well-washed air of Buxton, that she instructed her bird to fit me out with a fate that a far younger man might have envied.

Put into words, it does not sound a boisterous festivity, but it sufficed to amuse the crowd that traipsed and clumped round and round and to and fro, and remained there under the flare of the smoky lamps long after their kindly noise had followed us down into the lower town past the pavilion in the park where the musicians, despairing in the rain, were putting up their string and wind instruments and leaving their wide-spreading fan of empty chairs to welter through the wet night. Not that the night was altogether wet. It had rained so aimlessly, so absent-mindedly, at the Fair that nobody seemed to notice it; but it was an earnest of showers to come, which read the riddle of the manageress's almost eager willingness to give us sunny rooms at the hotel. If we paid more for that sunny exposure (I do not know that we did) we were the more deceived, as poor Desdemona says. Or is it Ophelia?

That was the only fault of the hotel, and the hotel was not to blame for it. Otherwise it was so good that I am sure it would have had sun for us if it could. It was, like other provincial hotels, kept on the American plan, the European plan being unknown in Europe except for very transient stays; that is, there was an inclusive rate coming to about three dollars a day. The meals were served in courses and were very good, and the servitors were those Germans who resort to England in order to learn the language and (as the more jingoistic natives believe) to spy out the strategic nakedness of the land and prepare the way for a German invasion. They are invariably willing and prompt, and we were sorry to have a middle-aged lady of military bearing rather scold the poor fellow whose ministrations we shared with her; she was the only English person whom I ever heard harsh with a domestic; ordinarily the thank-yous and the pleases superabound from the served to the serving and back.

VI

The next day being not only a Sunday, but a Sunday when we decided that it would be useless to go to Haddon Hall, which would be as fast shut as any tea-shop, we advised further with the head porter as to what we had better do. I do not know why a head porter should so often wear a red coat and a striped waistcoat with lustrous buttons or why these garments should lend him authority and compel faith in him, but they seem to do so. I myself would now think twice before trusting them, for I have sometimes found head porters of inferior judgment regarding routes and trains. Once a head porter in Liverpool sent us to Oxford by the London and Northwestern instead of the Great Western, with the result that we changed cars four times on the way, and at Oxford our conductor, with a little variation of uniform, degenerated into a porter and handled our baggage both large and small. I cannot make a like complaint of the head porter at Buxton; he remained of a pristine splendor to the last, and he advised us as well as we would let him concerning the drive we chose. We chose the drive to the Cat-and-Fiddle tavern mainly because the charge for it was lower than any other we could make out, and the air higher by some hundreds of feet than the air of Buxton, which is the highest in England. The charge was so much for the carriage and so much more for the driver, as at Great Malvern; and again I had to renounce my preference for a fixed rate in tips: the fee to the driver was about twice what I should have given if it had been left to my caprice. Still, I own that the principle is right, and the sum was not really bankrupting; if we could have had a little warmth of weather thrown in I should not now be murmuring. Even as it was, by muffling to the chin on a day which had not begun too bright for intervals between the rains, we contrived to enjoy the noble savagery of the moors to which we mounted.

Nothing surprises the New-Worldling more than this wildness which is so frequent in the Old World, where the hand of man might seem to have passed over every inch of the earth's surface. Here in the north of Derbyshire as in the south of Devonshire we traversed vast lonely wastes of moorland. The road trailed itself up and on and long before us as we climbed to the Cat-and-Fiddle, which at last grew a stony nubbin on the topmost reach, and lured us with a

mystic promise of interest which the reader must seek the fulfilment of for himself. Now and then we passed a huge char-à-banc, or omnibus, lumbering upward with its twelve or twenty passengers devoutly trusting in this promise. Now and then it was a pedestrian we passed and oftenest a woman, young and of gentle rank apparently, who kept the solitary road without fear and evidently without danger; now and then a bicycler labored by or fell behind, walking his or her machine in the steep places. On every hand the great moorland drooped to the low horizon in one unchanging gloom of low scrub, mostly heather, I suppose, seamed by deep gulleys and scarred by the ineffectual fires that had been kindled to destroy it. The dull heavens clung close about it in clouds that meditated rain, and cold winds swept it in mid-June as if it had been in mid-November.

At last we stopped before the Cat-and-Fiddle, a plain two-story hostelry which bore a tablet on its front representing both these musical instruments, the hair of the one roughed backward by the blast and the strings of the other shrieking in the flaw. I say this for the dramatic effect; and perhaps I exaggerate, but one must do something to support the supposition that the Duke of Devonshire used to bring a cat and fiddle with him to help him make merry in his visits to an otherwise disconsolate inn. Besides the inn, there is an oblong tea-house of corrugated iron (much prized for temporary structures throughout England) on the summit, where the tourist may refresh himself under the shuddering roof. We would not enter either place, but straightway began our descent on the other side into the valley of what the guide-book calls "the infant Wye." It is a pretty valley when you climb down to it, but the way is by infrequent farms and past the furrowed flanks and humps of hopeless moorlands, where the heather, brown and blossomless at that season, gave the notion of the dense hides of monstrous pachyderms. There were gushes of foamy waters in some of the furrows, and where the heather gave way to hillside pasturage rough-coated cattle grazed. There were few figures of our own species to lend human interest to the scene, but when we got to the river's level it was cheerful enough with cottages and the gateways of statelier dwellings withdrawn into their favorite seclusion. One of these dwellings, indeed, stood close upon the highway, the owner clutching fast his narrow space of freehold

and refusing to yield it for any money to the great noble whose estate presses him close upon every side.

It was a tenant of this noble who sold us the hospitality of his cottage near by, in the form of tea and bread and butter and the society of some friendly hens which gathered the crumbs at our feet in the porch where we ate and drank. The cottager and his wife were friendly, too, and when their other guests were gone they let us look through the clean, homelike place. It was built for solid shelter with walls three feet thick in the older part, but more windows in the newer. The kitchen was fitted with a good range and dresser, and the whole house looked comfortable if not cheerful; the kind young pair managed to live, and at the rent they paid for their moderate acreage they will help the duke to live, too, now that the great nobles have been reduced to penury by having to pay their just share of the land tax. Near the cottage is a quaint stone bridge which looks conscious of being resorted to every summer by painters for purposes of landscape. One had come in a van, such as the English like to return to nature in, and had lived close to the bridge, as the van, which he left behind him, still attests. In the heart of the peaceful scene is a range of powder-mills, which we paid sixpence to pass on a private road; driving very gingerly, we got by them in safety and back to Buxton alive.

VII

That was the night we had in the lounge a concert, and one's heart was not wrung with pity of such humorous acting as we had the next night. What consoled even then was the admirable decorum of the English audience under the infliction of the head joker's jokes; when he came round, a smilingly and bowingly self-respectful figure, nobody withheld his dole. But it was awful to think, if some day the poor man should realize how dull he was, what would become of him. It would be possibly as if a writer of detective stories should come to a sense of where he was in the scale of being. The kind English tolerance spares all such; or is it an insular insensibility to all differences in the good or bad which is not a moral good or bad? So the English suffer the bread of the cottage loaf unrepiningly when they could have French bread, and endure a climate of every vicissitude except dry and warm, when in their empire they have every beautiful weather under the sun to choose from.

I continue to carp at the weather in Buxton, but if the truth must be told it was far better weather than we left at Boston the day we sailed ten days before, when we choked in the heat pushed seaward off the sweltering continent: a day following suddenly upon a June week of April cold. At least in Buxton you can get in out of the weather, but there was no escape from it in Boston. Yes, the English summer, as it is parceled out in days glum or gay from hour to hour, but always green and full of the perfume and color of flowers and sweet with the song of birds, is not so bad as I paint it, and I dare say the winter is even better; it cannot be worse.

As the next day woke raining, without even the delusory prelusive brightness, we decided finally to leave Dorothy Vernon to the chances of an elopement which we could not go to Haddon Hall all that way in the wet to countenance. Our baggage was hand-carted down a few rods from the hotel to the station by one of those German emissaries, a gentle youth who was very glad of my little German, but not too glad, because it helped retard the English he was trying to learn. He complained that the hotel service was so largely composed of his compatriots that he had no chance at the language of the country. We were sorry for him, but it showed how Providence watches over British interests under the very infestation of their enemies, whom it baffles not by the confusion of tongues, but by the hopeless unity of their speech.

The young porter seemed to understand an English shilling well enough and gratefully put our baggage into the van, where it instantly became luggage. The stations of the Midland Railway and the London and Northwestern lie side by side in Buxton and our train lay between them. It seemed as if it would go up to the metropolis either way we said, but as we had booked by the London and Northwestern the guard who looked at our tickets decided it had better go by that line.

W. D. Howells.

"THE SONG-MAKERS"

BY MARY AUSTIN

THE talk had been going on for nearly an hour without affording me an occasion for saying anything, which was exceedingly tiresome.

"The fact is," said the Professor, and the rest of the company agreed with him, "that the only place you can hear Wagner as he should be, is at Beyreuth." The pines outside quivered at this announcement, and a blear old sea fog came and peered through the panes at us. Suddenly the fire-log snapped asunder.

The red glow leaped into a three-inch point of flame. Instantly the fog caught it by reflection a rod outside and made of it a desert camp-fire spiring upward from the crossed ends of the back log. Dark against it by some superior sort of refraction from my mind I could see the dreaming face of my friend Tinnemaha, the Medicine-man.

What I thought the Professor had said was that the only place nowadays where you could see any genuine song-dancing is in Shoshone Land, and, out of the velvet desert dark beyond, Kern River Jim answered him.

"But in the old days," said he, "right here in Sagharanite there was a Chisera who could sing the wind up out of the west with the rains behind it; and she could sing the rain away, too, when she had done with it; and you could no more be still when you heard her than the wind could, but you must get upon your feet and dance what she sang."

"In Shoshone Land," said Tinnemaha, "I remember a man who could dance the heart out of your bosom. He made a rattle of ram's horn stopped with a round of mescal stem, and would keep time with it. He taught me to dance some of his songs for a bag of taboose, but I could never match with him, for the best of his singing was that he made it new for every occasion."

What the Professor was actually saying at that moment was that Wagner's intellectuality made it improbable that the French should ever be able to interpret him, but I went on listening to Tinnemaha, for, besides being much the same sort of talk, it was vastly more interesting.

"Nowadays in the schools," said he, "they teach our children white men's songs, but they do not lay hold on your insides as the old songs do. White man's songs, they talk too much." He dropped out of his native speech into the clipped English in which he courteously held any criticism of white men's ways should be couched. "White man sings too much with his mouth," said he, "but Shoshone sings here"—he extended his hand across his body, palm inward, with that most expressive gesture of the Indian to include the whole region of the solar plexus, the seat of the Inside Man who sings and is sung to—"here." The hand moved outward, slightly clutching at the strings of sympathy.

"Sometimes," he went on, "you see Indian man singin' an' dancin'; he cryin' while he singin'. 'Tain't the words that make him cry. I'ss what he thinkin' 'bout when he sing."

"Last night," said Kern River Jim, "I dreamed that I sang, and when I awoke I was crying, but my song had gone from me."

"It was the wolf-song," said Tinnemaha; and we were quiet while the flames lapped and flickered, musing on what I have told you in another place, how there was a man who, when the people met together, had no song and greatly desired one and was unhappy over it. Then one day he bought a song from the wolf for a basket of tule roots and sang it amid the tribe that night until the earth under him was beaten to a fine dust and he fell into the deep trance which waits beyond the last ecstasy of song.

So the wolf came in the night and stole his song away. I remembered me of an equally old tale of a Saxon singer, and I thought, Beast-god or Man-god, the myth told quite as much as I had been able to fathom for myself of the source of all songs, dropping into the mind spread to receive them, quietly as the shed ashes of the fire.

"But all your songs," I wished to know, "do they come so from inside you?"

"Every man's own song," they averred, "the one he makes for himself, and no one dares sing without his per-

mission. But sometimes when it is a very good song he bequeaths it to his friend, and the tribe uses it; other times a man's song is so precious that no one gets to know very well what it is about, and it dies with him."

"And when does a man make a song?"

"How can I tell?" questioned Tinnemaha. "It is when his Inside Man is raised up within him. Perhaps when he has killed his first buck or made a woman to know that he is man. When his son is born or his enemy is slain. Who knows his great moment?"

"There was one I knew," said Kern River Jim, "who made a song when he was drunk. Three days he had herded the Bar-N cattle up Tunawai in a sand-storm, scarcely eating or sleeping while the storm lasted, and when it was done the foreman gave him as much whiskey as he liked, and when he was well drunken he made a song." Jim's eyes twinkled. "It was a good song."

I remembered to have heard that air, the most lugubrious Indian melody I had known, and thought I should have felt just that way if I had been thoroughly intoxicated, but Jim esteemed it humorous.

We fell a-talking then of the songs that are not personal, but come down to the people from old times: cradle-songs, love-songs, songs for the beginning and the end of journeys.

Tinnemaha stood up and began to sing one of Victory:

"Ha . . . ah—a,
Ha . . . ah—a!"

A sharp, throaty noise, as if the Inside Man had waked and fed on what he relished:

"Ha . . . ah—a!"

while the Medicine-man stamped and swayed:

"Come, O ye buzzards,
The feast is prepared!
Ha . . . ah!"

until I could fairly hear the sweep of their wide wings between the naked dead and naked heaven.

"My father saw that song made when he was a young man and we fought the Mojaves. We had killed the best of their fighting men and taken away their weapons, for they had long arrows that entangled in the brush so that they could not shoot so fast as our men with the shorter shafts.

The dead were beginning to swell, and one of our men danced among them and made a song.

"Then one and another of ours took it from him, and all the way home they danced it until the women heard them returning on the trails. So the song came to the Shoshones."

"And do you always dance when you sing?"

"How else should it be?" said Tinnemaha, with mild amazement.

"First," said he, "the song *is,* then there are three things —the dance and the music—

"Ha . . . ah—a!"

The muscles of his chest rippled under the thin cotton shirt, the throaty syllables gurgled out of him as though jarred by the rhythm of his dancing. "And then," he finished, "there are the words. Sometimes the words are very old and are forgotten, and the people make new words, but it is not a new song because of that. The song is behind them."

It flashed upon me inwardly as accounting for the accompaniment of meaningless syllables that ran along with much of their tribal ceremonial, swelling with the movement of the ritual into even billows of song with just a sentence or two like a riffle of foam on the crest of each; the song behind the song singing itself out of all their memories and knowledges.

"Give me that song again which you danced for me at the beginning of wild almond bloom," I begged, beating with my hands a sketch of the body rhythm that accompanied it.

"The grass is on the mountain,"

crooned Kern River Jim. "It is a very old song of the Paiutes."

"And the song behind it?" I urged.

"'Oh, a long time
The snow is over all the mountain.
The deer have come down and the big-horn,
They have passed over Waban.
A long time now we have eaten seeds
And dried flesh of the summer's killing,
We are wearied of our huts.
The mists have come down like a tent,
They have hid the mountain.
And on a day suddenly comes the sun.
The mists are withered away,
The grass is seen on the mountain!'

"Therefore," said Jim, "we make a dance and go to the meadow to look for taboose and the young shoots of the tule.

"Also," said he, "I remember a song a woman made to me on Kern River. I had come to it late in the evening and found it big with rains. The woman had a wickiup on the other side and went about her fire to tend the cakes; I called across to her, but I did not attempt the river because of the flood, and I saw that the woman was alone and no man came to her. By and by when it was dark she piled pitchy boughs on the fire till it leaped up and showed the straight high pines and the river between us like a thick, hurrying snake. Then she made a song and I heard it above the water. So I went into the river as I was, and the woman pulled me out half dead on the other side. But I did not mind it because of the song."

"And the song was?"

"The fire burns," quoted Jim. "It leaps up and nobody is warmed by it. Though it was a very long time ago, I have never forgotten it." I did not ask him for the song behind that. . . .

Once when I had tried to persuade Poco Bill to render a love-song he had refused on the ground that "white men don't like those kind of words. Thass all right song for Paiute, but with white man those words mean bad." Later when one of the women translated the song for me I felt how immeasurably we had dropped behind the Indian in having no words with which to communicate the issues of life except such as "mean bad."

"But still," I insisted, "I do not understand why you must dance. We also have many songs, but we do not dance to them."

Something drifted down to me just then from the talk going on over my head to remind me that when the white man sings best and most expensively he comes as near dancing as is compatible with the utmost breath: feet of innumerable choruses twinkled across my memory, but I didn't exactly see my way to explain that to the Medicine-man. I had heard a great deal that evening of how a certain cantatrice had waved her arms and swung her magnificent torso in the part of Lucia; there was not a whisper of why. I had seen the bucks in the beginning of October pawing up the earth in deep ravines, pawing and tossing their branched foreheads with a slow, majestic rhythm, and once at Buena

Vista, where the slough fell over the ruined drop into the vast reedy lagoon, long since drained away to profitable fields, there in the middle of the hot morning mist I had seen the dipping of the pelicans to their mates, the strange wing-bowing, the retreats and advances of tall water-birds, with the white expanse of wing feather against the fawn-colored land, most like the extended arms and floating draperies that flee forever about the red ground of an Etruscan vase. I had seen these and divers wonders that, with due respect to Mr. Darwin, I didn't altogether accept as the procreant urge of the world.

That was a good theory as far as it went, but it failed to explain the dance of the Grass on the Mountain, nor why the tenor felt obliged to declare his undying opposition to the basso with both arms at length in the direction of his chest expansion.

At any rate, it would be interesting to know what the Medicine-man said of it. He said it very much to the point.

"We dance always," said he. "It is the shortest road to the Friend of the Soul of Man."

I had heard more or less of this Friend among all the Indians I had known or known about, under various names: Great Spirit, The Mystery, The Power, The Trues, God or Holy Ghost. It has nothing to do with their ordinary spirits or supernaturals, has no appearance and no history. It is the supreme intelligence, perhaps, that plane of consciousness touched in great crises along which runs from mind to mind communicating fire. Through it cures are affected and messages transmitted from the dead.

"By dancing," said the Medicine-man, "the Inside Man erects itself, it is lifted up, it lays hold on the Friend; then singing comes, and many things are possible that were not."

"What things?"

Tinnemaha considered. "Do you know Mahala Joe?"

"Who was condemned to wear a woman's dress because he once ran away from battle?"

"He was scarcely grown and it was his first fight," said the Medicine-man, excusingly. "But it is not an easy thing to appear as a woman in the face of men, and Joe has told me often that unless he had danced greatly, until the Friend knew him for a very man, he could not have continued in it."

"It was he," continued Jim, "who danced the fear out of our minds during the great sickness."

This was an epidemic of pneumonia which decimated the campodies a few years back, and Tinnemaha nearly lost his life in it, according to the Paiute law, because his own dancing failed to check the progress of the disorder.

"That," he acknowledged, "was because there was no fear in the mind of Mahala Joe. But it is true that by dancing much for one's self the power grows. There was Carson Charlie. His father had been shot by a Washoe in a very old quarrel, and Charlie should have killed the killer, but he had been to Carson to school where they showed him the Jesus road and he was soft-hearted. Then I took him apart in the hills, for his father was my friend and it is not right that the son should grow fat while the killer of his father is abroad. Three days we danced and sang together, and it was not easy for Charlie, he had been to school so long; but I taught him our ancient dances. Three days I strove with him, fasting, and in the end he found the Friend."

"And—?" I queried—the flicker of a smile played on the face of Tinnemaha—"and he was also not so soft-hearted."

He took up my thought and carried it on beyond the personal instance. "It is so," he said; "by dancing power comes to medicine the souls of men."

"And the bodies?" But, in fact, he had no phrases to signify the partition of man into physical and spiritual which is the graft of theology on an unscientific observation of life.

What he really believed was that if the Inside Man was invulnerable, as he might be made by Good Medicine, to assault of weapon or disease, so would his outside be. I had seen a Shoshone Medicine-dancer cure an abscess on the lungs by this method, and a Methodist Evangelist brings souls to healing by singing of hymns and pounding the pulpit, and found the processes not entirely dissimilar, but it hadn't occurred to me until now to attempt the valuation of literature and art on the same basis. O Dante! O Bach! The shortest road to the Friend of the Soul of Man!

I explained to Tinnemaha that we had songs and other matters of our own with which merely to be confronted was to be shot upward into the plane of power, but we hadn't been able, except in rare instances, to manage it with our dances.

"That," said the Medicine-man, "is because you do not dance to yourselves." He went on to say that once when he

had been to Reno, in the matter of the Washoe Boundary Dispute, he had seen some dancing-women at a theater, and he was quite explicit as to the effect upon his outside. But when a man danced to himself and the Friend, it was otherwise. He thought it was reasonable, the Inside Man being so entangled with the body that when it began to move itself aright the body would respond first, and when, by free motion the spirit ascended, then the song came and visions and healing.

"It is so," he explained, "that it is more fortunate to die in battle. For if a man dies before disease has eaten him, he can the better make his song." . . . It had taken, of course, much more explanation than this, on divers occasions, for me to understand that death to an Indian is no such catastrophe as we modernly conceive it; rather an incident which even their gods and Great Ones are liable to suffer, but it needed no further touch just then to have me see in all manner of dying rites, death songs, battle cries, extreme unction, a vine of the spirit climbing till it laid hold on the Friend and sustained itself in the swelling of Jordan. I knew without doubt where I should go if I died immediately upon reading:

> "I was with Hercules and Cadmus once
> When in the woods of Crete they bayed the bear."

Good Medicine! There I had the whole business of song-makers; painted songs, printed songs, or whatever; not to preach, not to please merely, but to make a short road to the mood of power, to touch the Friend. But you had by Tinnemaha's account to touch him yourself first, to swing up by the skirts of the Great Moment and to let down a hand to stumbling men.

The fire snapped and went out; the two ends of the back log burned so far asunder that unless you had seen the live flame at work on them you couldn't have told that they belonged together any more than the two ends of the conversations—mine with the Medicine-man, and the talk within the room, which had by this time fallen off into that reminiscent exchange of dates and places, as to when you last heard Melba or where you saw the portrait of Whistler's mother, which many estimable folk pursue determinedly under the fond imagination that they are talking Art.

As the company rose for breaking up I stood up with

them, and it occurred to somebody to inquire why I hadn't said anything for quite an hour.

"I was thinking," I said by way of reply, "that I should like to write a song like this."

I swung my arms out, palms upward, the chest raised, the body slightly swaying forward, saluting the six Quarters, as I had seen the Medicine-man in the business of the cure of souls, and the company, especially the younger portion of it, looked at me commiseratingly. They understood that it was not my fault that I hadn't at that time had the advantage of the Metropolitan Museum and Covent Garden, and they meant, of course, to be kind. I could see the Professor, visibly in the interest of hospitality, hold back a disposition to lecture me. But they do not know even yet why I didn't particularly mind it.

Mary Austin.

UNDER THE YOKE

BY HENRY W. NEVINSON

If ever there was a nation which ought to have a fellow-feeling with subject races it is the inhabitants of England. I have heard of no land so frequently subjected, unless, perhaps, it were northern India. Round-headed builders of round tombs were subjected by long-headed builders of long tombs; and long-headed builders of tombs were subjected by builders of Stonehenge; for five hundred years the builders of Stonehenge were a subject race to Rome; Roman-British civilization was subjected to barbarous Jutes and heavy Saxons; Britons, Jutes and Saxons became the subjects of Danes; Britons, Jutes, Saxons and Danes lay as one subject race at the feet of the Normans. As far as subjection goes, English history is like a house that Jack built:

> "This is the Norman nobly born,
> Who conquered the Dane that drank from a horn,
> Who harried the Saxon's kine and corn,
> Who banished the Roman all forlorn,
> Who tidied the Celt so tattered and torn,"

and so on, back to the prehistoric Jack who built the round house of the dead.

Our later subjections to the French, the Scots, the Dutch and the Germans, who have in turn ruled our courts and fattened on their favors, have not been so violent or so complete; but for some centuries they depressed our people with a sense of humiliation, and they have left their mark upon our national character and language. Indeed, our language is a synopsis of conquests, a stratification of subjections. We can hardly speak a sentence without recording a certain number of the subject races from which we have sprung. The only one ever left out is the British, and that survives in the names of our most beautiful rivers and

mountains. It is true that all of our conquerors have come to stay—all with the one exception of Rome. We have never formed part of a distant and foreign empire except the Roman. Even our Norman invaders soon regarded our country as the center of their power and not as a province. Nevertheless, nearly every branch of our interwoven ancestry has at one time or other suffered as a subject race, and perhaps from that source we derive the quality that Mark Twain perceived when at the Jubilee Procession of our Empire he observed, "Blessed are the meek, for they shall inherit the earth." Perhaps also for this reason we raise the Recessional prayer for a humble and a contrite heart, lest we forget our history—lest we forget.

We pray in contrite humility to remember, but we have forgotten. In speaking lately of Finland's loss of liberty, Madame Malmberg, the Finnish patriot, said that in old days, when their liberties seemed secure, the Finns felt no sympathy with other nationalities—the Poles, the Georgians, or the Russians themselves—struggling to be free. They did not know what it was to be a subject race. They could not realize the degrading loss of nationality. They were soon to learn, and they know how. We have not learned. We have forgotten our lesson. That is why we remain so indifferent to the cry of freedom and to the suppression of nationality all over the world. Let us for a moment imagine that something terrible has happened; that our statesmen have at last got their addition sums in Dreadnoughts right, and have learned by hard experience that we have less than two to one and therefore are wiped from the seas; or that our august Russian ally, using Finland as a base, has established an immense naval port in the Norwegian fiords and thence poured the Tartar and Cossack hordes over our islands. Let us imagine anything that might leave some dominant Power supreme in London and reduce us for the sixth or seventh time to the position of a subject race. Where should we feel the difference most? Let us suppose that the conqueror retained our country as part of his empire, just as we have retained Ireland, India, Egypt and the South-African Dutch republics; or as Russia has retained Poland, Georgia, Finland, the Baltic Provinces and Siberia, and is on the point of retaining Persia; or as Germany has retained Poland and Alsace-Lorraine; or as France has retained Tonquin and an enormous empire in

northwest Africa and is on the point of retaining Morocco; or as Austria has retained Bohemia, Bosnia, Herzegovina, Croatia, and many other nationalities. Let us only judge of what might happen to us by observing what is actually happening in other instances at this moment.

The dominant Power—let us call it Germany for short and merely as an illustration—would at once appoint its own subjects to all the high positions of State. England would be divided into four sections under German Governor-Generals and there would be German Governor-Generals in Scotland, Wales and Ireland. Germans would be appointed as District Commissioners to collect revenue, try cases, and control the police. A Council of Germans, with a proportion of nominated British lords and squires, would legislate for each province, and perhaps, after a century or so, as a great concession a small franchise might be granted, with special advantages to Presbyterians, the German Governor-General retaining the right to reject any candidate and to veto all legislation. A German Viceroy, surrounded by a Council in which the majority was always German, and the chief offices of Chancellor of the Exchequer, Commander-in-Chief of the army, and so forth, were always filled by Germans, would hold a Court at Windsor and Buckingham Palace. We should have to undertake the support of Lutheran Churches for the spiritual consolation of our rulers. We should be given a German Lord Mayor. German would be the official language of the country, though interpreters might be allowed in the law courts. Public examinations would be conducted in German, and all candidates for the highest civilian posts would have to go to Germany to be educated. The leading newspapers would be published in German and a strict censorship established over the *Times* and other rebellious organs. The smallest criticism of the German Government would be prosecuted as sedition. English papers would be confiscated, English editors heavily fined or imprisoned, English speakers deported to the Orkneys without trial or cause shown. Writers on liberty, such as Milton, Wordsworth, Shelley, Burke, Mill and Lord Morley, would be forbidden. The works of even German authors like Schiller, Heine and Karl Marx would be prohibited, and a pamphlet written by a German and founded on official evidence to prove the injustice and tortures to which the English people

were exposed under the German system of police would be destroyed. On our railways English gentlemen and ladies would be expected to travel second or third class, or, if they traveled first, they would be exposed to Teutonic insolence and would probably be turned out by some German official. Public buildings would be erected in the German style. English manufacturers and all industries would be hampered by an elaborate system of excise which would flood our markets with German goods. Such art as England possesses would disappear. Arms would be prohibited. The common people, especially in Scotland and the northwest provinces, would be encouraged to recruit in the native army under the command of German officers, and the Scottish regiments would maintain their proud tradition; but no British officer would be allowed to rise above the rank of sergeant-major. The Territorials would be disbanded. The Boy Scouts would be declared seditious associations. If a party of German officers went fox-shooting in Leicestershire, and the villagers resisted the slaughter of the sacred animal, some of the leading villagers would be hanged and others flogged during the execution. Our National Anthem would begin: "God save our German king! Long live our foreign king!" The singing of "Rule, Britannia," would be regarded as a seditious act.

I am not saying that so complete a subjection is possible. We believe that in a powerful, wealthy, proud and highly civilized country like ours it would not be possible. All I say is that, if we assume it possible, something like that would be our condition if we were treated by the dominant Power as we ourselves are treating other races which were powerful, wealthy, proud and, in their own estimation, highly civilized when we invaded or otherwise obtained the mastery over them. I am only trying to suggest to ourselves the mood and feelings of a subject race—the humble and contrite heart for which we pray as God's ancient sacrifice. If we wish to be done by as we do, these are some incidents in the government we should lie under when we were reduced beneath a dominant power, as India and Egypt are reduced beneath ourselves. I have not taken the worst instances of the treatment of subject races I could find. I have not spoken of the old methods of partial or complete extermination whether in Roman Europe or Spanish and British Americas; nor have I spoken of the partial or complete

enslavement of subject races in the Dutch, British, Portuguese, Belgian and French regions of Africa. I have not dwelt upon the hideous scenes of massacre, torture, devastation and lust which I have myself witnessed in Macedonia under the Turks and in the Caucasus, the Baltic Provinces and Poland under Russia when subject races attempted some poor effort to regain their freedom. I have not even mentioned the old ruin and slaughter of Ireland or the latest murder of a nation in Finland. I have taken my comparison from the government of subject races at what is probably its very best; at all events, at what the English people regard as its best—the administration of India and Egypt—and we have no reason to suppose that Germany would administer England better if we were a subject race under the German Empire.

If Germany did as well she would have something to say for herself. She might lay stress on the great material advantages she would bestow on this country. Such industries as she left us she would reorganize on the Kartel system. She would much improve our railways by unifying them as a State property, so that even our southeastern trains might arrive in time. She would overhaul our education, ending the long wrangle between religious sects by abolishing all distinctions. She would erect an entirely new standard of knowledge, especially in natural science, chemistry and bookkeeping. She would institute special classes for prospective chauffeurs and commercial travelers. She would abolish Eton, Harrow and the other public schools, together with the college buildings of Oxford and Cambridge, converting them all into barracks, while the students would find their own lodgings in the towns and stand on far greater equality in regard to wealth. German is not a very beautiful language, but it has a literature, and we should have the advantage of speaking German and learning something of German literature and history. Great improvements would be introduced in sanitation, town-planning and municipal government, and we should all learn to eat black bread, which is much more wholesome than white.

In a large part of the country peasant proprietors would be established, and the peasants as a whole would be far better protected against the exactions and petty tyranny of the landlords than they are at present. Under the pressure

of external rule, all the troublesome divisions and small animosities between English, Scotch, Irish and Welsh would tend to disappear, though the Germans might show special favor to the Scotch and Presbyterians generally on the principle of "Divide and Rule," just as we show special favor to the Mohammedans of India. We should, of course, be compelled to contribute to the defense of the Empire and should pay the expenses of the large German garrisons quartered in our midst and of the German cruisers that patrolled our shores. But as we should have no fleet of our own to maintain, and in case of foreign aggression could draw upon the vast resources of the German Empire, our taxation for defense would probably be considerably reduced from its present figure of about seventy millions a year.

That, I think, is an impartial statement of the reasons which some dominant Power, such as Germany, might fairly advance in defense of her rule if we were included in a foreign Empire. At all events, they very closely resemble the reasons we put forward to glorify the services of our Empire to India and Egypt. I suppose also that the Fabians among ourselves would support the foreign domination, just as their leaders supported the overthrow of the Boer republics, on the ground that larger states bring the Fabian—the very Fabian—revolution nearer. And, perhaps, the Social Democrats would support it by an extension of their theory that the social millennium can best arrive from a condition of general enslavement. The Cosmopolitans would support it as tending to obliterate the old-fashioned distinctions of nationality that impede the unity of mankind, while a host of German pedants and poets would pour out libraries in praise of the Anglo-Teutonic races united at last in irresistible brotherhood and standing ready to take up the Teuton's burden imposed upon the Blood by the special ordinance of the Lord.

The parallel is false, you may say; the conditions are not the same; in spite of all material and educational advantages, we in England would never endure such subjection; we should live in a state of perpetual rebellion; our troops would mutiny; much as we all detest assassination, the lives of our foreign Governors would hardly be secure. I agree. I hope there is implanted in all of us such a hatred of subjection that we should conspire to die rather than endure it. I only wish to suggest to you the mood of a

subject race, under the best actual conditions of subjection—to suggest that other peoples may possibly feel an equal hatred toward foreign domination—and to supply in ourselves something of that imaginative sympathy which Madame Malmberg tells us the Finns only learned after their own freedom had been overthrown.

We feel at once that something far more valuable than all the material, or even moral, advantages which a dominant Power might give us would be involved in the overthrow of our independent nationality. That something is nationality itself. But what is nationality? As Dr. Johnson said of the camel, it is difficult to define, but we know it when we see it. Or, as St. Augustine said of Time, "I know what it is when you don't ask me." Nationality implies a stock or race, an inborn temperament, with certain instincts and capacities. It is the slow production of forgotten movements and obscure endeavors that cannot be repeated or restored. It is sanctified by the long struggles of growth and by the affection that has gathered round its history. If nationality has kindled and maintained the light of freedom, it is illuminated by a glory that transforms mountain poverty into splendor. If it has endured tyranny, its people are welded together by a common suffering and a common indignation. At the lowest the people of the same nationality have their customs, their religion, generally their language—that most intimate bond—and always the familiar outward scenes of earth and water, hill and plain and sky breathing with memories. Nationality enters into the soul of each man or woman who possesses it. Mr. Chesterton at a recent conference well described it as a sacrament. It is a silent oath, an invisible mark. Life receives from it a particular color. It is felt as an influence in action and in emotion, almost in every thought. In freedom it sustains conduct with a proud assurance of community and reputation. Under oppression, it may fuse all the pleasant uses of existence into one consuming channel of fanatical devotion. It has inspired the noblest literature and all the finest forms of art. Chiefly in countries where the flame of nationality burned strong and clear has the human mind achieved its greatest miracles of beauty, thought and invention. Nationality possesses that dæmonic and incalculable quality from which almost anything may be expected in the way of marvel, just as certain spiky plants

that have not varied winter or summer for years in their habitual unattractiveness will suddenly shoot up a ten-foot spire of radiant blossom abounding in honey. Chiefly by nationality has the human race been preserved from the dreariness of ant-like uniformity and has retained the power of variation which appears to be essential for the highest development of life. With what pleasure, during our travels, we discover the evidences of nationality even in such things as dress, ornaments, food, songs and dancing; still more in thought, speech, proverbs, literature, music and the higher arts! With what regret we see those characteristics swept away by the advancing tide of dominant monotony and Imperial dullness! The loss may seem trivial compared with the loss of personal or political freedom, but it is not trivial. It is a symptom of spiritual ruin. How deep a degradation of intellect and personality is shown by the introduction of English music-hall songs among a highly poetic people like the Irish, or by the vulgar corruption of India's superb manufactures and forms of art under the blight of British commerce! You know the Persian carpets, of what magical beauty they are in design and color. When I was on the borders of Persia four years ago the Persian carpet merchants were selling one kind of carpet with a huge red lion being shot by a sportsman in the middle of it to please the English, and another kind decorated with a Parisian lady in a motor to please the Russians. From those carpets one may realize what the English Government's acquiescence in the subjection of Persia really involves.

No subject race can entirely escape this degradation. No matter how good the government may be or how protective, all forms of subjection involve a certain loss of manhood. Under an alien Power the nature of the subject nationality becomes soft and dependent. Instead of working out its own salvation, it looks to the government for direction or assistance in every difficulty. Atrophy destroys its power of action. It loses the political sense and grows incapable of self-help or self-reliance. The stronger faculties, if not extinguished, become mutilated. In Ireland, even to-day, we see the result of domination in the continued belief that the British Government which has brought the country to ruin possesses the sole power of restoring it to prosperity. In India we see a people so enervated by alien and paternal government that they have hardly the courage or energy to

take up such small responsibilities in local government as may be granted them. This is what a true Liberal statesman, Sir Henry Campbell-Bannerman, meant by his wise saying that self-government is better than good government. And it might be further illustrated by the present condition of the largest subject race in the world—the race of women—to whom all the protective legislation and boasted chivalry and lap-dog petting, fondly supposed to be lavished upon them by men, are not to be compared in personal value with just the small right to a voice in the management of their own and national affairs.

Such mutilation of character is the penalty of subjection at its best. At its worst the subject race pays the penalty in tormenting rancor, undying hatred, and the savage indignation that tears the heart. It may be said that indignation is at all events better than loss of manhood, and I entirely agree. Where there is despotism it may well be that for this reason a cruel despotism is less harmful than a paternal despotism—less harmful, I mean, to the individual soul, which is the only thing that counts. But the soul that is choked by hatred and torn by indignation is not at its best. Its functions go wrong, its sight is distorted, its judgment perturbed, its sweetness poisoned, its laughter killed. The whole being suffers and is changed. For a time it may blaze with a fierce, a magnificent intensity. But we talk of a "consuming rage," and the phrase is profoundly true. Rage is a consuming fire, always a glorious fire, a wild beacon in the night of darkness, but it consumes to ashes the nature that is its fuel.

Loss of manhood or perpetual rancor—those are the penalties imposed on the soul of a subject race. Nor does the dominant race escape scot free. Far from it. On the whole, it suffers a deeper degradation. A dominant race, like a domineering person, is always disagreeable and always a bore, and the nearer it is to the scene of domination the more disagreeable and wearisome it becomes, just as a tyrannical man is worst at home. I have known English people start as quiet, pleasing, modest and amiable passengers in a P. & O. from Marseilles, but become less endurable every twenty-four hours of the fortnight to Bombay. There are noble and conspicuous exceptions alike in the army, the Indian Civil Service, and among the officers scattered over the Empire. But, as a rule, we may say that the worst char-

acteristics not only of our own but of all dominant races, such as the French, Germans and Russians, are displayed among their subject peoples. If, indeed, the subjects are on a level with spaniels that can be beaten or patted alternately and retain an equal affection and respect, the English son of squires thoroughly enjoys his position and does the beating and patting well. But it is always with a certain loss of humor and common humanity; it brings a kind of stiffness and pedantry such as Charles Lamb complained of in the old-fashioned type of schoolmaster. It exaggerates a sense of Heaven-born superiority which, Heaven knows! the English squire has no need to exaggerate.

I am not one of those who set out to " crab " my countrymen. We have lately had so much criticism and contempt poured upon us by more intelligent people like the Irish, the Germans and the ex-President of the United States that sometimes I have been driven to wonder whether we may not somewhere possess some element worthy of respect. But, keeping the lash in our own discriminating hands, we should probably all admit that in regard to other people's feelings and ideas we are rather insensitive as a nation. This form of unimaginative obtuseness undoubtedly increased during the extension of our grip upon subject races between the overthrow of Gladstone's first Home Rule Bill and the end of the Boer war. Perhaps those fifteen years were the most entirely vulgar period of our history, and vulgarity springs from an insensitive condition of mind. It will be a terrible recompense if the price of our world-wide Empire is an Imperial vulgarity upon which the sun never sets.

There is another danger, not so subtle and pervading, but more likely to escape the notice of people who are not themselves acquainted with the frontiers of Empire. It is the production and encouragement of a set of scoundrels and wasters who trade upon our country's prestige to rob, harry and even enslave the members of a subject race while they pose as the pioneers of Empire and are held up by sentimental travelers, like Mr. Roosevelt, as examples of toughness and courage to the victims of monotonous toil who live at home at ease. There is no call either for Mr. Roosevelt's pity or admiration. I have known those wasters well and have studied all their tricks for turning a dirty half-crown. They enjoy more pleasure and greater ease in a day than any London shop assistant or bank clerk in a month. They

take up the white man's burden and find it light, because it is the black man who carries it. Of all the impostors that nestle under our flag, I have found none more contented with their lot or more harmful to our national repute than the "toughs" who devour our subject races and stand in photographic attitudes for Mr. Kipling to slobber over. These scoundrels and wasters are a far worse evil than most people think, for they erect a false ideal which easily corrupts youth with its attraction, and they furnish ready instruments for land-grabbers and company directors, as is too often seen in their onslaughts upon Zulus, Basutos and other half-savage peoples whom they desire to exterminate or enslave. They are a singularly poisonous by-product of Empire, all the more poisonous for their brag; and though they belong to the class whom their relations gladly contribute to emigrate, they are far worse employed in debauching and plundering our so-called fellow-subjects in Africa than they would be in the brothels, gambling-dens, pigeon-shooting inclosures, workhouses, and jails of their native land. Of course, it is very useful to have dumping-grounds for our wasters, and it is pleasant to reflect upon the seven thousand miles of sea between one's self and one's worthless nephew, but a dumping-ground for nepotism can scarcely be considered the noblest object of conquest.

Why is it, then, that one nation desires to subjugate another at all? Sometimes the object has simply been space—the pressure of population upon the extent of ground. Pastoral and nomad hordes, like the "Barbarians" and Tartars, have had that object, but, as a rule, it has ended in their own absorption. The motives of the Roman Empire were strangely mixed. Plunder certainly came in; trade came in; in later times the slave-trade and the supply of corn to Rome were great incentives. The personal advantage and ambition of prominent statesmen like Sulla or Cæsar were the true aim of many conquests. The extension of religion had nothing at all to do with it, for the Romans had the decency to keep their gods to themselves and never slaughtered in the name of Jove. But they were compelled to Empire by a peculiar conviction of destiny. They did not destroy or subdue other peoples so much for glory as from a sense of duty. It was their Heaven-sent mission to rule. Their poet advised other nations to occupy themselves with wisdom, learning, statuary, the arts, or what they pleased; it was the Roman's task

to hold the world in sway. To the Roman the object of Empire was Empire. It seemed to him the natural thing to conquer every other nation, making the world one Rome. That was, in fact, his true religion, and we can but congratulate him on the unshaken faith of his self-esteem. The Turk, on the other hand, who was the next Imperial race, boasted no city and no self-conscious superiority of laws or race. He subdued the nations only in the name of God, and to all who accepted God he nobly extended the vision of Paradise and a complete equality of earthly squalor. The motives of medieval and more recent conquests were the strangest of all. They were usually dynastic. They depended on the family claim of some family man to a title implying actual possession of another country and all its population. There was always one claimant against another claimant, this heir against that heir, as though the destinies of nationality could be settled by a line of parchment or a love-affair with a princess. People grew so accustomed to this folly that even now we hardly realize its absurdity. Yet I suppose if the King of Spain left his kingdom by will to his well-beloved cousin George of England, not an English wherry would stir to take possession, and our newspapers would merely remark that there was always a strain of insanity in the Spanish branch of the Bourbons. Two hundred years ago such a will would have produced a prolonged and devastating war. Something is gained. We have eliminated royal families from the motives of conquest.

In the extension and maintenance of our own Empire all previous motives have been combined. We have pleaded want of space; we have sought slaves either for export or for local labor; we have sought plunder and also trade or "markets"; we have sought dumping-grounds for our wasters and careers for our public school-boys; like the Turks and Spaniards, we have sought to promote the knowledge of our God by the slaughter and enslavement of his creatures; like the Romans, we have thought it our manifest duty to paint the world red and rule it. But within the last sixty or seventy years we have added the further motive most aptly expressed by the late King Leopold of Belgium in the document by which he obtained his rights over the Congo: I mean "the moral and material amelioration" of the subject peoples. That was a motive unknown to the ancients, though the Romans came near it when they granted equal

citizenship to all provincials—a measure far in advance of any concession of ours. And it was unknown to the Middle Ages, though Turks and Spaniards came near it when they destroyed the infidels for their good and opened heaven to converted slaves and corpses. To subjugate a nationality for its own moral and material advantage is something new in history. It sounds the true hypocritical note. That is not a pleasant note, but it is a sign of change, an evidence of hope. In the Boer War our real objects were to paint the country red on the maps and to exploit the gold-mines. But some people said we were fighting for equal rights; some said it was to insure good treatment for the natives; some thought we were Christianizing the Boers; one man told me "the Boers wanted washing." All those excuses were false and hypocritical. But they were tributes to virtue. They were a recognition that the old motives of Empire no longer sufficed. They exposed the hypocrites themselves to the retort of serious and innocent people:—"Very well, then. If these were your motives, give equal rights, protect the natives, Christianize the Boers, wash them if you can." It is a retort against which hypocrisy cannot long stand out. It proves that a new standard of judgment is slowly forming in the world. But for this new standard, where would be the Congo agitation, or the movement against the Portuguese cocoa slavery or such sympathy as exists with the Nationalists of India? When the doctrines of equal rights or even of moral and material amelioration are assumed by hypocrisy, honesty will at last raise her protest and hypocrites be no longer allowed to reap the harvest of a quiet lie.

It is an advance. As history counts time it is a rapid advance. Now that Russia is reducing Finland to a state of entire subjection without even a pretext of right or the shadow of a pretense at improved civilization, a general feeling of shame and loss pervades Europe. The governments do not move, but here and there the peoples raise a protest. Not even the most thorough-going champions of Imperialism, such as the *Times,* ventured to defend the action. They contented themselves with Cain's excuse that the murder was no affair of ours. A century and a half ago they would not have needed an excuse. No protest would have been raised. It did not matter what nationality was enslaved. There is an advance; we have now to extend it. In regard to races already subject, we have but to act up to the plead-

ings of our own hypocrisy; we have to maintain among them equal justice, equal rights and equal consideration as members of one great community, instead of depriving them of their manhood and kicking them out of their own railway carriages. We have to train them on the way to self-government, instead of clapping them into prison if they mention the subject.

And in regard to nationalities that still retain their freedom, we must bring our governments up into line with the leading thought of the day. We must show them that the destruction of a free people like Finland or Persia is not a local or distant disaster only, but affects the whole community of nations and spreads like a poison, blighting the growth of freedom in every land and encouraging all the black forces of tyranny, darkness and suppression. Rapidly growing among us, there is already a certain solidarity of all free States, and the problem of the immediate future is how to make their common action effective on the side of liberty. When I saw Tolstoy during the Russian revolution of 1905 he said to me:

"The present movement in Russia is not a riot; it is not even a revolution; it is the end of an age. The age that is ending is the age of Empires —the collection of smaller States under one large State. There is no true community of heart or thought between Russia, Finland, Poland, the Caucasus and all our other States and races. And what has Hungary, Bohemia, Syria or the Tyrol to do with Austria? No more than Canada, Australia, India or Ireland has to do with England. People are now beginning to see the absurdity of these things, and in the end people are reasonable. That is why the age of Empires is passing away."

It was a bold prophecy, but it contains the root of the whole matter. Only where there is community of heart and thought is national or personal life possible in any worthy sense. Unless that community exists between the various nationalities within an Empire, we may be sure the Empire is moribund. It is dying, as Napoleon said, of indigestion, and that other community of the world which is slowly taking shape among free and reasonable peoples will demand its dissolution. Our hope is that the other community will further go on to demand that these disastrous experiments in the overthrow and subjection of free nationalities shall no longer be tolerated by the combined forces of freedom.

HENRY W. NEVINSON.

THE AMERICAN TEMPERAMENT

BY ALAIN LOCKE

It is a curious but inevitable irony that the American temperament, so notorious for its overweening confidence and self-esteem, should be of all temperaments least reflective, and for all its self-consciousness, should know itself so ill. When criticised, it is either perplexed or amused; when challenged, apologetically boastful, and seemingly delights in misconception and misrepresentation. A striking instance of this singular trait is the way Americans abroad exaggerate their native mannerisms and become veritable caricatures of themselves in good-natured mimicry of the national type. In its extreme form the tendency might be characterized as living up to a libel to save the trouble and expense of legal proceedings. Whether this be due to a sort of mistaken chivalry or to mere childish irresponsibility is as hard to determine as it is unnecessary;—either is reprehensible. There is in this dependence upon foreign opinion something of a native shrewdness for judging others by their opinion of oneself, but much more is to be attributed to an instinctive aversion from the pangs of introspection and a childish capacity for using other people as mirrors. No other nation, perhaps, has played so sensational a rôle, but no other nation has stood so in need of its audience. The histrionic demeanor of Americans abroad, at times so very like the behavior of actors off the stage, exacting calcium-light duty of the sun, is a real clue to the national temperament. If only by the reactions of others do we achieve any definite notion of what we ourselves are, it is small wonder that we have cultivated the actor's manner and practise his arts, only it is a strange art for an otherwise inartistic nation, a curious dependence for a free people.

That a people by theory and instinct so individualistic should believe at all in a national character and should be

so obviously content with a composite portrait is, indeed, marvellous. With its history and traditions, America might quite logically have repudiated any such thing as a national temperament and have rid itself of this inveterate superstition of the journalist and the patriotic orator. The demagogue picks his following from the worshippers of this idol of the tribe; and the early republican fathers, who were philosophical Democrats, feared and detested both. It is due to their heroic efforts that the idea has still so little content and so few traditions to take root in, but America of the present day insists on the national type: it has cultivated it most successfully and believes in it most instinctively and whole-heartedly.

Society is quite at the mercy of the class that paints its portrait, and it has been no credit to us that ours has been the hasty evocation of journalists and cartoonists in league with the publicist, rather than the careful creation of novelists and artists in their hereditary conspiracy to make the best representative. With us, as with other industrial civilizations, the national loyalties grow out of individual prosperity and success, and the bond between the individual and the impersonal or corporate interests is very strong and immediate. But the same ideal loyalty to a national character and belief in a national will and destiny, which promote the industrial arts, promote, under favorable circumstances, the reflective and representative arts, and make for that sense of institutions, which, beginning in jingo patriotism, ends in sound traditions. And as containing the promise of all this, the current idea of the American temperament is worthy of some serious analysis and deliberate propaganda.

The democratic and individualistic tone of modern living will no longer allow a class product to be foisted on it as an expression of the national life and ideal as has so often before been the case. America is wise, after all, in preferring to remain artless and unenlightened rather than accept contemporary art as a serious expression of itself. Drawn by detached and almost expatriated æsthetes at the commands of the most disinterested class of art patrons ever in existence, it has no real claims except upon the curiosity of the people. To force an art first to digest its civilization in all its crude lumpiness is, after all, a good and sound procedure, and it is safe to prophesy that in America

either the result will be representative and unique or that there will emerge no national art at all.

America, indeed, in the construction of the American temperament, is producing her first immaterial or art product. One only wishes there was more conscious art in the process. At all events, there has developed a national character so unique that it is the despair of critics, and yet so simple and available that to acquire it one only need live in America. Even the English and Chinese ambassadors assume it for a while, and what is more significant, the emigrant, Slavic, Teutonic, Irish or of the Romance stocks, acquires it and becomes an American spiritually before he has resided long enough to be naturalized. And in certain instances he becomes so even in retaining strong hereditary national and racial characteristics. His children are "born Americans." Against many foreign critics it must be maintained that this is something more than the assumption of a certain commercial-mindedness and personal self-assertiveness everywhere recognized as American. Certain temperaments quite without these traits, notably the American negro, participate to a remarkable degree in the American temperament. In last analysis, it is a mental atmosphere as unavoidable and free as air, and this, to my thinking, characterizes it as something spiritual, as being free, accessible, contagious. On festival days we are tempted to think of it as something political, and to make it a matter of the Constitution and the Declaration of Rights. Oftener still do we think of it as a sense of social partnership and corporate prosperity of a commercial type or industrial, at least, in its manifestations. But it is really a very limited and simple system of conventional ideas, associated with certain very contagious but superficial mannerisms whose only justification is that as a light but strong social harness it works so well. How shallow and contentless it is as an idea or how indefensible and inadequate as a code, fortunately only philosophical historians realize. At present the pragmatic verdict must prevail; it works quickly, effectively, as a bond between men and, under the circumstances, seems to them less tyrannous than a convention of forms, permitting of the almost unhindered exercise of that personal initiative and freedom which an American calls his individuality.

It is a unique thing,—this American sort of individualism, perhaps even a transitory thing, and one feels that it alone

is the cause of such theoretical antinomies working in actual practice. An American's idea of himself, though highly personal, is not fixed; it is really Protean and even puerile. How it claims everything and yet refuses to identify itself permanently with anything. Criticise the American for any trait intimately personal or nationally characteristic, and he will evade the thrust by insisting that you have not touched a vital spot, though perhaps mortally wounded. It is like rebuking a child for one of his moods; he changes it, and you cannot hold him to account for the submerged personality, the discarded rôle. The American temperament is histrionic as the healthy child; its naïve individuality is unquestionable, and because it is so plastic it knows no self-contradiction.

But to portray Americans as heroic children will seem unwarranted to those who know the drawn-faced and tense-lipped features of our fellow countrymen: surely these people do not look young or irresponsible. America's superb boyishness does threaten to succumb to the undue responsibilities it has taken upon itself in overconfidence. But that overconfidence is youthful, youthful to a fault.

It must be remembered that America, though an amalgam of peoples, is of the Anglo-Saxon stock in mental characteristics, and that it has taken upon itself what may be the final experiment in the Anglo-Saxon type of civilization. More reflective and calculating peoples are inclined to count the costs and experiment by proxy. Among these people a leisure class arises and paints a national character at its leisure, an ideal portrait that men cherish retrospectively and read into the whole life of the people who supported the leisure class. Individualism and a certain self-willed energy has possessed us, and that with fury in the American temperament, and the modern demand for material progress is the result. If we are to credit this tendency with an ultimate goal, it must aim at securing a final and restful mastery over the means of life. In this experiment America is at present engrossed, and the result is likely to justify or repudiate the whole idea;—at least in the eyes of others who are following more cautiously and with less conviction. One sometimes fears that in event of failure, the American temperament will become the scapegoat of many nations and bear the blame of a second Babel. The true American disposition is, however, careless of the end; it neither wants

nor anticipates leisure, and cheerfully and without sense of loss waives what the forefathers thought a primary right of man, the pursuit of happiness as an end in itself. It is even a question whether American opinion will tolerate for any considerable time a leisure class devoted to this end, or a leisure class of any sort, so prepared is the American temperament to dispense with the reflective arts and all those posthumous satisfactions, dear to past civilizations, of leaving behind it adequate records and imposing traditions.

Indeed, the real uses of leisure still seem to be below our mental horizon. The second generation succeeds the first and seems intent on discovering whether or not the pursuit of material progress is really endless. This is quite to be expected of a people who have not as yet made any real distinction between work and play, and who have acquired no interests for impersonal pursuits. Most of all do we dislike the person who has aged prematurely through contact with older traditions, the impersonal observer, the onlooker who merely comments; we contrive to eliminate or ignore him as children do grown-ups. One can see why we should, for introspection and reflection are the arch enemies of our dearest illusions. To them our politicians are irresponsible demagogues, our captains of industry merely capricious experimenters, our teachers intellectual sophists, our legislators social extemporizers, our clergymen moral improvisers, and our writers adroit apologists. And so they may, indeed, appear to us later; but now the make-believe is upon us and for us they are not. It is to be hoped that when they come to be matters of history, they will be found to have harmed their contemporaries most, and to have committed fewer crimes against the future than any other active generation of men.

The greatest anomaly of the American temperament is its evasiveness. No one knows what organ it inhabits or can define "the people of the United States" in whose name so much is perpetrated. An astute Frenchman, coming from a country that really possesses a social mind if any country does, accuses America of not having that organic sense called "public opinion." "I hardly discern a national consciousness," he says, "only everywhere a national self-consciousness." Our journalism is a sad witness of this fact; public opinion is too plastic to mould; it runs in rivers and tidal eddies. To record its variations and

predict it for short periods is the barometric function of our whole press.

Yet there is on any great occasion, and there issues from any real crisis, political or social, a well-formulated public opinion, terse, simple, emphatic, often already patched into catch-words and phrases, which run from mouth to mouth and are on everybody's tongue at once. We act almost automatically and, consequently, spasmodically as well. There is at the time such unanimity of opinion that no one, parties with traditional policies, institutions with hereditary traditions, even men with fixed principles—none—will think of denying the popular will. Public opinion in America asserts itself violently, impulsively, and more often than in any other country perhaps, accomplishes its immediate aims and demands, owing to the plastic and tentative nature of our institutions and ideas. But once asserted, it does not maintain itself, or if it must maintain itself, does so grudgingly, with a sense of restraint and handicap. This is the price of our amenability to reform.

Peculiarly characteristic in this respect is the national will in any moral issue. Only at times of the greatest tension is the popular mind in sight of principles: the Civil War and its reactions are incontrovertible witnesses of this. So forgetful, except at rare moments, is the national consciousness that it cannot understand or sanction its own actions when involved in the inevitable reaction. Historical-mindedness and patience while the natural equilibrium is re-establishing itself are two traits, most lacking and most needed, in the American temperament.

America is certainly, of all countries, least politically minded. Its politics are a professional game played by professionals,—in all senses of the word it is to be deplored,—for the amateurish amusement and approval of the public. Exactly to what this is due is a very great puzzle. Perhaps it is an American trust and belief in experts, a trait which in our whole life exacts from us more unquestioning reverence for authority and greater faith in delegated power than we are given credit for. The autocratic possibilities of our nominally democratic institutions are only lately beginning to reveal this essential and deeply lodged strain in the American character. A country that worships power, respects the autocrat, and may even come to tolerate the tyrant. Indeed, the analogies between the republican temper of

Rome and that of America may well worry those who believe that history repeats itself. Recent attempts against the capitalist have proved that such a type is too representative of the ideals of the common ordinary man to be attacked without a sense of self-contradiction and injury.

Such facts bring us within range of the important discovery that American democracy is not a political theory, but a social instinct. As patriotism, it is sheer rhetoric, bombastic and effusive; as a deep conviction, it is almost religious in its intensity and individual hold upon every citizen. It differs from other continental forms of patriotism in being so associated with the personal and individual well-being of each man, and in having slight reference either to a national past or future. There is little of reflective pride, that grave and historic achievement of the English temperament, and strangely little of a definite notion about the national purpose and destiny. America is too engrossed with the present to have anything but empty and boastful claims upon the future. The sense of power and prosperity, the sense of aggregate power and prosperity, quite opposite to the selfish and individual satisfactions so often charged to the American temperament, is at the very bottom of the national character and is the root of its patriotism.

One can account for the presence of this corporate feeling in closely knit and socially compact groups, or in the country where one racial stock or predominant institution supplies a coercive feeling of kinship and unity. But in America, a land of startling divergencies and instinctive antipathies, it is difficult to explain. Neither as a carelessness or indifference to these contrasts, nor as democratic tolerance, nor even as theoretical or practical humanitarianism, can one account for the American sense of fellowship. It is due to an acute responsiveness, an intellectual sensitiveness, that are born of insatiable curiosity and a surplus of individual energy.

To such a temperament nothing is really trivial, and the points of contact between things are almost infinite. As soon as one examines this trait on an intellectual plane, one sees what curious laws of association govern the American mind. Its superb eclecticism, its voraciousness, its collector's instinct for facts and details, and its joyous disregard for proportion and an artificial order are still in need of adequate exposition. They impose so many handicaps

from an artistic point of view that as yet no literary genius except Whitman has found it possible to accept them all. The temperament is, however, extensively catered for: the informational press is its creature. To instruct pleasantly and with the minimum of effort is the debased aim of present-day art; a wide-spread and ever-growing disease of taste of which America produced the germ. The informational short-story, the character sketch, the photographic novel, the popular encyclopædia, the unscientific travel study, and the whole pictorialization of literature and art can be traced to American initiation and patronage. A strange survival of Puritanism,—for the American temperament is still profoundly Puritan,—this idea of art and letters as the handmaids of knowledge, serving in bond to the insatiable curiosity of men. A Republican and utilitarian art, however, is generally short-lived, though we may expect a longer vogue for the contemporary information-monger than that enjoyed by his predecessor, the political pamphleteer. There are even now in America signs of reaction against an impersonal art, and a return to the lyric and dramatic motives. At present the reaction is, unfortunately, at the same time a revulsion from the national idea and temperament.

Thus the only justification America has yet had comes direct from the self-satisfaction of the individual American. His satisfaction, however, is both unmistakable and voluble. He is content, though the competition becomes daily more severe and evident. He is beginning to realize now that many are handicapped at the very outset, that the struggle is prolonged by the stronger for the sheer joy of conquest, and even that a good third of the energy expended is consumed in piling up success on the top of victory. Yet a cheerful acceptance of the situation is the price of his individuality, his optimism, and his chance of winning out, and he pays it ungrudgingly. There is a greater measure of content and less of a sense of environmental injustice in America than anywhere else in the world to-day. And the principles of conduct and social relationships, though elemental, are like the rules of a game, there is an immediate appeal to public censure or approval, and little discrepancy between theory and practice. Naturally our theories suffer when compared with idealistic and more divorced codes. Where every man is supposed to consider his own interests, no social blame is imputed, and no one, except for initial

handicaps, has an excuse. That is not, on the whole, an unenviable state of affairs: the American temperament only approximates it. As an instinctive theory, this is what it believes in.

Yet with us, with every man theoretically for himself, public spiritedness prevails to a marked and unusual degree. For every man drives a frank bargain with the community; there is a competitive and open market for altruistic wares. Consider for a moment that phenomenon of our civilization, the millionaire philanthropist. Is he an enigma, this person who has seemed to change character and tactics under our very eyes? By no means: if Americans worship money, they worship it as power, as cornered energy and not in an intrinsic and miserly way. The time comes when the force he has been collecting threatens to vanish in latent inertia as it were, and the millionaire can only release it again by giving. The process of accumulation, becoming automatic, discharges him; he takes to his new vocation of giving, but as far as the muscular reactions are concerned there is very little difference between shovelling in and shovelling out. The community in giving social rewards of a very specious sort in exchange seems quite to have the better of the bargain. But it should not be deluded into thinking that the millionaire has really changed character, and that it is fostering altruistic pursuits.

Somehow, in the end, the American temperament exacts what it needs most, the attitude of suspended judgment. But self-analysis is not necessarily fatal, and if it is too early to make up our minds as to what we are, or, better, what we intend to be, surely it is time to rid ourselves of the delusion that we already know both. As long as the American temperament remains its own sole excuse for being, one cannot expect it to be humble and unassertive, but one may point to the need for self-analysis and expression. The materials at hand are, it is true, a stupendous handicap, so unsuitable that at times one fears that nothing can be produced so wholly vital and unique and interesting as the national character itself.

ALAIN LOCKE.

WOMAN SUFFRAGE

BY GWENDOLEN OVERTON

WITHIN quite recent times the world at large has become willing to concede that there are certain sciences whose principles are fixed, and are not determined by the sentiments or uninstructed opinions of either the many or the few. But that branch of knowledge which is concerned with the evolution of the human race, individually and in its social aspect, is by no means accorded this status. It is popularly looked upon as an equation of the moment's beliefs, or at best nothing more definite than the ideas of a small number of men who have withdrawn themselves for contemplation, and are therefore out of touch with and unfitted to judge their race. The conduct of individuals being almost universally without conscious plan, it is difficult for them to conceive that the aggregation may nevertheless be advancing systematically. The utmost judicial disposition to be expected is an ability to see the immediate effects of an applied theory. And even from this are drawn conclusions quite likely to be vitiated by failure to reckon with other causes.

An excellent demonstration lies in the general attitude toward what is probably the most important and the most abstractly ethical movement occupying the attention of society at the present day. Yet a subject so momentous, so "gigantic a constitutional change" as that of the full enfranchisement of adult civilized humanity, requires to be approached with the deference of a serious attempt at understanding. It is not to be disposed of by such trivial arguments either in its favor or disfavor, as have been commonly resorted to. Neither is it actually affected by quoting opponents and supporters, though they be so exalted, upon one side as Queen Victoria and upon the other as Plato, Ward, Whitman, Lincoln, John Stuart Mill, and provisionally—Herbert Spencer.

Absurd as this may seem to many, it is even unaffected by how the suffrage of women may thus far have worked out in the localities where it has been tried. Unfortunately, broad and universal issues are less generally comprehensible than such quibbles and scattered facts as have been made use of in both camps. From our friends in this case, as well as from our enemies, we need only too frequently to pray for deliverance. Both have thrown upon those who would argue rationally an undue burden of disproof.

Whether or not the results of woman suffrage have so far seemed good, whether or not women are well informed upon matters pertaining to government, whether or not the majority of women now wish to vote, is actually of little consequence. The merits lie in nothing of this sort, but solely in whether or not the sharing of women in all functions of government appears to be in accord with the direction thus far taken by our advancing race. For, though it may seem to many nonsense beyond paradox, nothing is so practical as theory, which has in life exactly the same value as in mathematics. It has been aptly said that unless a theory is good for the extreme case, it is good for nothing at all. And conversely—if a thing is good in the extreme case, it is correct theoretically. That which should be sought, therefore, is whether or not, as a question of historical and ethical sequence, in the extreme case of a highly developed society, it will be desirable for women to have the franchise. But an approximate idea of what conditions constitute a highly developed society can only be arrived at by deduction, by trying to judge what humanity will reach from what it has moved toward.

As the point of departure, it may be well to consider briefly the comparative physical structure of men and women. In outward form it is perfectly evident that woman is midway between child and man. This, however, may not fix her place lower in the scale of development so much as it better fits her for her part in reproduction—that function whose sufficient exercise gives her her only fundamental and permanent reason for existence; and gives, too, her only adequately based claim to an equal share in the advanced activities of the race.

In the plan of Nature, a very large part of woman's life is designed to be spent in the reproduction of the race. It is the specialty pre-arranged for her and to which her

structure is adapted. But inferiority is not necessarily proved thereby. The result of recent experiments leads one to conclude that the two sexes are developed not unequally, but to different ends. After compiling and examining elaborate statistics, Professor Thomas sets it down that "man consumes energy more rapidly; woman is more conservative of it. The structural variability of man is mainly toward motion; woman's variational tendency is not toward motion, but toward reproduction. Man is fitted for feats of strength and bursts of energy; woman has more stability and endurance. While woman remains nearer to the infantile type, man approaches more to the senile. The extreme variational tendency of man expresses itself in a larger percentage of genius, insanity, and idiocy; woman remains more nearly normal."

As regards the brain size of woman, it is far from being determined that her brain weighs less in proportion to her whole weight than that of man; but, according to the above authority, "The importance of brain weight in relation to intelligence has usually been exaggerated by anthropologists; for intelligence depends on the rapidity and range of the acts of associative memory, and this in turn on the complexity of the neural processes." Biologically considered, therefore, there does not seem to be unquestionable warrant for restricting woman to a subordinate position.

In respect of psychological characteristics—they are probably in accord with the physiologic ones. But this would open up a whole field of discussion admitting of little else than individual opinion. One can scarcely forbear from remarking that all those qualities which are fostered in woman as lovely and laudable for family life, are adduced as liable to prove vicious in the extreme if given play in government. And the only inference to be drawn is that some ethical value is false either in the family or in the state. But so long as these qualities are desired, and the whole training of the civilized female, from infancy onward, so essentially differs from that of the male, no just comparison of their minds is possible. Nor is it possible to predicate anything final of woman's nature until it shall have been given full play.

Save in the case of a few savage races which deemed it surest to count descent in the female line, woman has always been held in a subordinate position. But rather than

maintain this to be her destined status for all time, it could conceivably be attributed to the insufficient development of man. As the sense of justice has grown, he has, of his own volition, worked to improve the position of woman both theoretically and actually.

In England the lawyers who were dissatisfied with woman's standing under the common law set themselves to bring about a change. It was done, however, not by Parliament, but by the judges of the Court of Chancery, who, it may be supposed, represented a higher average of trained intellect. Blackstone had written that "the very being and legal existence of woman is suspended during marriage." And further—with the complacency which imposed itself upon Englishmen during the long subsequent period known as that of legislative quiescence—"even the disabilities which the wife lies under are for the most part intended for her protection and benefit. So great a favorite is the female sex of the laws of England."

The Court of Chancery appears not to have shared this comfortable conviction, and by patient and prolonged effort it brought about a better condition—subsequently endorsed by Parliament. As laws form public opinion quite as much as public opinion forms the laws, these conditions are now accepted as a matter of course in English-speaking lands, and the earlier ones are looked back upon as unjust and absurd.

True, the change came slowly; but men of advanced minds must needs work with the inferior material at hand; and reforms involving great changes, especially such as touch the family relations, cannot be quickly brought about. Those who would have the world-old status of woman altered forthwith will do well to remember the words of the historian: "*La Providence a ses aises dans le temps. Elle y marche comme les Dieux d'Homère dans l'espace. Elle fait un pas —et les siècles se trouvent écoulés.*"

But it is of interest and significance to note that every social movement which we now recognize as having been of advance was met in its time by objections practically identical with those brought into service to defeat the enfranchisement of women. History, indeed, broadly considered, deals with nothing else. To go no farther back than the era which ushers in the modern world, we find the protest that the Reformation would result in every evil, "multi-

plicity of sects, prodigious intellectual license, dissolution of all society, tyranny, and persecution." Those who strove for the freedom of the communes condemned as dangerous the activities of those who maintained the rights of human reason; and the latter countercharged with prophesies of "abominable disorders and society disturbed."

King John doubtless found the conduct of the barons fully as "shocking" as the actions of the militant suffragists are considered in certain quarters—even probably by the male voters who have recently rioted at the British polls. What was foretold of allowing the French populace to share in government need scarcely be recalled. And in the struggle for manhood suffrage in England—so late as the first part of the nineteenth century—it was contended that the lower classes would swamp the intelligent classes, discouraging them from voting at all; and that the workingman would be controlled by a small number of agitators.

The alteration of a married woman's property status before referred to was opposed upon the score—wearisomely familiar to the ear of those who take interest in the subject of female suffrage—that dissensions and trouble would be caused in the home.

As for the recent movement of those sincere and convinced women who have felt it their duty to oppose the franchise for their sex, it might seem to have disposed of the whole matter in a fashion not devoid of a humorous element. But there are certain cross-currents in the stream of public opinion which are perfectly recognized by all who treat of legislation or jurisprudence, and it must be remembered that in the long run the affirmative class monopolizes the homage of mankind. Says Thomas Carlyle: "It is with all these things as with the ebbing of the sea; you look at the waves oscillating hither and thither on the beach; for minutes you cannot tell how it is going. Look in half an hour where it is." Measured by the standard of history, it is the briefest possible time since woman was where the already quoted optimism of Blackstone described her. To-day she has the partial franchise in a great many localities, the full franchise in five of the United States; in Australia she has recently raised doubts in the minds of those who hold that her political influence will be conservative, and in Finland she sits in the seats of power.

So much for the past and present aspects of the question.

But to examine it in respect of its conformance to basic principles. It should, perhaps, be said at once that "taxation without representation" is not one of these. Neither are two which have recently been advanced as such: "that no electorate has ever existed or ever can exist which cannot execute its own laws," and "no voter has ever claimed or ever can claim maintenance from another voter." These are merely deductions from certain conditions of government in the process of evolution. They rank rather below such principles formerly considered basic, as slavery, the refusal of citizenship to mechanics, the supremacy of the Holy See above all temporal rulers, and the divine right of kings. Indeed, the assertion that no voter ever has claimed or ever can claim maintenance of another voter is disposed of by the very writer who advances it within a page or two of its presentation, as she informs us that "women in suffrage States are liable for the support of their husbands in certain contingencies" and "six women in Utah were divorced by their husbands for non-support." There is, moreover, no recognized legal obstacle to a contract, such as that of marriage, which would make it possible for a voter to claim maintenance during the period of performing certain acts and fulfilling certain conditions.

That no electorate has ever existed or ever can exist which cannot execute its own laws is in point of fact wholly beside the question—founded, as it is, upon the false premise that women would form *an* electorate—separate and independent.

The actual basic principles of social evolution are as follows:

That the human race advances from uniformity to heterogeneity, from the performance of a few functions to performance of many.

That the family group ceases to be the political unit and is superseded by the individual.

That it is desirable for each to gain the fullest life compatible with the fullest lives of fellow-citizens.

That society is benefited by all its members receiving to the full the good and evil results of their conduct.

Not only does the principle of women suffrage appear to be in accord with these self-evident propositions, but the refusal of it is in antagonism to them.

To oblige woman to limit the number of her activities is

to check development toward manifold functions and well-balanced natures.

The family group ceasing to be the political unit, and the individual replacing it, a system cannot be sound where only the adult male has the right of full share in government, and individuals numbering half the race are excluded.

If it is desirable for each to gain the fullest life compatible with the fullest lives of fellow-citizens, then it is undesirable to refuse to women as complete a life as civilization makes possible, provided their having it does not deprive others.

If society is benefited by all its members receiving to the full the good and evil results of their conduct, then it is harmed by a system which takes from any one the exact compensation for good or evil actions, and constrains him to accept both benefits and ills that are caused by others.

As for social evolution considered in the experiments of government, unquestionably we may say that the trend seems to be toward Democracy, Representation, Justice, Freedom, and Peace. And it must necessarily be asked whether in the highly developed society which may have attained these conditions in fair measure it would be suitable and appropriate for woman to have the franchise.

Democracy is the rule of the whole people and this could only logically be the whole adult population.

Representation is government by those who are delegated to express the common will, and a State is not adequately represented by only half its members, more especially when these are of a single sex. Though the ballot is not a fundamental right, freedom of expression is such, and it is denied where a very powerful means of expression is withheld.

Justice is the refusal of special privilege, and its requirements can only be met by granting to all adults exactly equal rights with no exemptions not imposed by the physical structure.

Freedom is defined by the least theoretical of philosophic schools as "in its socially restricted form, the absence of any other external checks than those arising from the presence of other men who have like claims to do what their will prompts." Therefore, unless woman is a perpetual incompetent, without claim to do what her will prompts, her enfranchisement is necessary to social freedom.

What is meant by peace in the governmental sense is

a condition of society where disputes and differences are settled by appeal to law or reason. That the civilized world is moving toward a condition of general peace is apparent, despite the alarms of several European countries. It is universally felt that "thoroughly just conditions cannot obtain in a militant state," and, as has been said by an Englishman variously distinguished, the task of the statesmen of the future will be to substitute the concert of nations for their conflict. Historically, the period of general militancy is past. Formerly all men were warriors; to-day even in the Old World it is the relatively few. And in the United States the standing army exists almost on sufferance with the populace, whilst those familiar with its conditions from within cannot but recognize it to be almost wholly out of touch with the advanced thought of the age.

In a society which has attained to a condition of practical peace, there would be removed the objection to the enfranchisement of women which is always adduced in the last issue—that she is unable to fight in the defense of her country and its institutions.

It must be allowed, of course, that, though the world may be moving toward a state of peace, the goal is by no means reached. And until such time there might hold good the objection to giving non-combatants the ballot. But, setting aside the question why a non-combatant may not help to govern quite as well as she may occupy the throne, it should be considered whether by far too much has not been made of this argument, and whether in justice and reason, the bearing of children may not be accounted as much a service to the State as the bearing of arms. So far as physical and moral qualities are concerned, it perhaps calls for at least an equal endurance, courage, and fortitude.

The very considerable majority of women bear children. In any contingency at all likely to arise the decided minority of men bear arms. Nor is it fairly to be urged that during the period of reproduction women should be, and usually are, supported and removed from the field of industrial competition. Men are paid and maintained when they serve as soldiers, and having so served during a specified time, they are supported by the State either wholly or in part.

Should this appear to place the bearing of children where "The Republic" places it, among duties to the State, a sufficiently educated race will doubtless so consider it; and

woman will feel that to achieve a genuine equality with man she must specialize upon this unique function as the other sex does upon superior strength, for woman is primarily a producer of her kind and any system must fail wherein this is disregarded or ignored.

As regards the ability to resort to force in the final issue, which alone makes the ballot efficacious, an electorate must certainly be able to enforce its own laws. But in a day of fairly advanced social development, society delegates its force. This could quite as well be done by an electorate of both sexes, as now by one composed entirely of males. At present a trained and physically powerful portion of voters, and a very small portion, sees to it that the ballot can be safely cast and that the laws are enforced. Those voters who, by reason of disinclination or of inferior bodily equipment could not stand against rioters at the polls, depend upon the protection and assistance of policemen or militia. Very recently the national guard was demanded to enable the non-combatant citizens of one of our new States to cast their ballots. And latterly in England as many as two hundred policemen were in requisition at one spot. There is also to be borne in mind that the postal ballot system has an increasing number of advocates who believe that economy would not be the only one of its advantages.

It were futile to deny that granting the franchise to women will be attended with complications and difficulties. But no great reform in the individual or in society was ever accomplished without these, and a people whose moral condition is healthy will not shrink.

Nations whose laws are inelastic and unchanging, nations which come to feel that man was made for the law, die in the cords with which they have wrapped themselves. What though the common law takes no cognizance of woman as a political entity? The common law is itself but the compiled recognition of what were once new conditions and imminent tendencies. Yet the anticipated troubles will probably not be so serious if we accept transitions as normal and do not attempt to check natural and sequent processes.

Perhaps the most tenable of all objections to granting the ballot to women, and one which leaves it something of an open question whether delay would not be wise, is based upon the mental qualifications of the sex. Undoubtedly

women are in considerable ignorance regarding the forms and purposes of governments. Yet it is asking a good deal of any one that he should interest himself minutely in a matter with which he is allowed no direct and efficacious concern. And to bring up examples of women's absurd and impractical notions of political affairs is no more reasonable than to quote against men the preposterous legislation daily suggested or carried through. It were as just to make light of the average intelligence of our nation's fathers because, for example, Henry Clay held three years to be ample time for protection to place the manufactures of the country upon their feet. Nowhere, for that matter, is government so successful that it would be safe to confine the charge of ignorance or untenable doctrines to the female sex. Men were not fitted for the ballot when they obtained it, but if they have grown in political grace woman can do the same. All correct theories for the guidance of the race should be based upon what is the best to be expected, not the worst. It has been set down as a rule, that under any form of government the moral sense of the governing body is likely to fall far below the highest moral standard recognized by the community. But the white woman is with the white man, co-heir of all the ages; and as the phrase went among the theretofore privileged classes of England when suffrage was to be granted the unenfranchised—" we must educate our masters." Precisely in this lies the one correct solution of all the difficulties feared. Woman must be sufficiently educated—more than she is to-day—educated far beyond the present danger-point of a little knowledge, unrelated, theoretical and fragmentary, unfitting rather than fitting her for the duties of life.

In all likelihood it will be impossible to keep women a great deal longer from a share in the governments under which they live. It will be useless to offer " something else just as good "—that she shall undertake, for example, to check those arch terrors of the conservative, socialism and divorce. It will be equally futile to threaten that she will lose her property privileges in localities where they are accorded her. It is with women as with men—they " are not led by promises of ease and comfort, by sugar plums of any kind." Those who seek what they believe to be a right will never cease from fear of a pecuniary loss. What should we say, what do we say, of men who vote or withhold their

vote from financial motives? Women will be ready to stand upon a property equality with men when they stand upon political equality. It is safe to say that women will be ready to give their purses to a principle for which men have given their lives. This, in fact, is the actual test of their fitness for the franchise, this and that they shall understand the thing they seek to be no mere gratification, but an added and onerous responsibility.

That which seems too little considered is what men themselves will gain by having woman on an equal footing by making of her a peer who must be judged as such. It will go far toward putting an end to that sense of privilege and exemption upon which woman falls back more and more as advancing society lessens the need of work and effort, making her a parasite, a creature out of touch with the realities of toil and fundamental things.

It is not expedient, not even good worldly policy, to be satisfied with less than the utmost perfection we can conceive, but only those who are given every opportunity can justly be blamed for failing of the best attainment. Yet throughout the ages this blame has been accorded woman, for, despite valiant efforts to idealize her, she has never been to civilized man what he actually wished. She has left him always vaguely unsatisfied, apologizing for her by the phrases of the poets and by the makeshift of a dual standard. The companion of his life and the mother of his race was one to whom he might condescend. But if he would do at least his best to remedy this unfortunate condition of affairs, he must needs face the realization that responsibility begets the power to meet and be worthy of it; and that the highest, the most desirable results are never to be obtained from a restricted and inferior class.

GWENDOLEN OVERTON.

THE LEAVES OF THE TREE*

BY ARTHUR C. BENSON

VII—CHARLES KINGSLEY

In the little, paneled hall of my College here at Cambridge, with its beautiful gallery and double staircase, a pair of portraits, very strangely contrasted, gaze at each other across the long tables. One is Lely's famous portrait of Pepys, smiling, foppish, complacent, every curve of the good-natured, sensuous, bourgeois face full of rich satisfaction and dancing zest. He has had his troubles, no doubt, and his anxieties, that genial soul, but he has enjoyed them in their way, partly to heighten his content, and partly as being of the very essence and stuff of full-flavored, exciting, delicious life. Opposite to him hangs a very different portrait. He has lived, too, one can see, this strong, sturdy, sanguine man, with his flashing eye, great aquiline features, and compressed lips; but he has been looking for something behind and above existence, the untraveled world behind the arch of time, with its horizons that fade and grow so strangely. He has enjoyed life, and enjoyed it fiercely; but something has held him back from joy and fixed his gaze firmly on pain; and, whatever else he has tested and renounced, he has never yet sounded the depths of hope and love. The portrait of Charles Kingsley!

Could there be two men so strangely alike in one respect, and yet so wholly and utterly different—alike in an indomitable zest and appetite for the joys of living, in an insatiable curiosity, in an overpowering thirst for experience; and yet so different in view, in aim, in aspiration. Pepys so satisfied with the light upon the surface of life, so entirely satisfied with movement and pleasure, with money and esteem, with sound and scent and sight—yet with all his intense humanity, so unheroic, so unconsecrated a life! And Kingsley

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forever straining his eyes for the light that shines through life, so anxious to help and heal and bind up, so full of splendid rage against everything mean and brutal and stupid, so compassionate and generous—lover and poet, pilgrim and warrior, all in one!

Nothing is further from my thought than to moralize and shake my head over Pepys: the rascal is irresistible; his candor, his exuberance, his delightfulness, save him from anything like disapproval. The sourest brow must relax into a smile over all his frank rogueries. But for all that he represents the stationary elements of life at its fullest. The tribe of Pepys exploit the world, but do not advance things a jot. They roll and splash about in it, as a jolly boy splashes about in a river under a summer sun. But it is through Kingsley and his tribe that the world takes shape and learns to be just and eager and forgiving. The two men are in wholly different regions. While Pepys revels in the sunlit valley, Kingsley is out prospecting on dark mountains, and catching the gleam of some further sunrise gilding the towers and battlements of the city of God.

Charles Kingsley came of a long line of country gentlemen and soldiers and belonged to the pleasant county of Devonshire, where he was born in 1819, and which he loved all his life with a romantic love. His father was a clergyman, not wholly by choice, though in a sturdy British fashion he did his work remarkably well; and there was a strong strain of artistic genius in the family, because two of Kingsley's brothers were well-known authors—indeed, it is a tenable theory that Henry Kingsley was an even better novelist than Charles.

He was a precocious and imaginative child, fond of books, but even more passionately devoted to the open air and natural history. His father became Rector of St. Luke's, Chelsea, in 1836, and Kingsley was sent to King's College, London. He hated the town life, and was dreadfully bored by the parochial atmosphere of his home. He entered Magdalene College, Cambridge, in 1838, where but few traditions of him survive. He lived a life of tremendous energy, not wholly on conventional lines. He was popular for his animal spirits, his courtesy and his humor; he worked, rode, drove, fished, played cards with immense zest. His cure for stupidity and headaches was to tramp across country in a roaring fen-wind, and it is recorded that he scaled the wall

of the back court at two o'clock on a summer morning, to begin fishing at the neighboring village of Shelford at three. He took a First Class in the Classical Tripos, but he was not looked upon with much favor by the authorities, and was not elected to a Fellowship, as he had hoped.

He never concealed the fact that his life had been distinctly a fast one at Cambridge. And he certainly went through a profound religious crisis, a battle between his instincts for goodness and purity and strong animal passions. He thought of it afterward with manly regret and shame. But it is no less certain that his stormy experiences gave him a unique power of sympathy with the troubles of young men, and an extraordinary delicacy and frankness in dealing with them.

He was saved from this downward career by meeting his future wife, Miss Grenfell, a woman of real genius, intensely ardent, devoted and loving, with a vigorous mind and a religious spirit. The engagement met with opposition, and Kingsley in despair and bitterness flung himself again into all that might distract and excite him. But Miss Grenfell held to him, and he fought his way to the light. He describes somewhere the intense emotion with which in later life he visited a place in Canada to which in his unhappy days he had thought of emigrating. He burst into tears, he said, at the thought of how patient God had been with him, giving him an honorable life at home, full of love and noble opportunities, instead of the life he had then so wilfully designed.

He was ordained in 1842 to the curacy of Eversley, in a wild, healthy country in the outskirts of the old Windsor Forest, with a somewhat lawless population of squatters and poachers. He lived a quiet life, working and writing. His friends were some of the officers at Sandhurst, with whom he used to fish and ride to hounds on a wonderful succession of old screws.

Then good fortune came to him. He married in 1844, and, the living of Eversley falling vacant, it was bestowed on him. He settled down as a simple parish priest; and though he can hardly be reckoned a typical clergyman—at all events by modern standards—it is as a parish priest that he will be forever known. I have often wondered why that particular type of priest, far from multiplying in England, has rather tended to diminish. His example seems so buoyant and so infectious that one would have thought that he might have

founded a school of ardent, manly, and wholesome disciples, with that touch of secularity that England loves. Yet the modern type of clergyman is very different, though it is laborious, devoted and enthusiastic in its way. But it is increasingly ecclesiastical, while the laity are increasingly unecclesiastical. This is no doubt inevitable, in these days of professional specialization; and Kingsley was rather a glorification of an old type than the founder of a new. The old parish priest was often strangely ignorant of and indifferent to ecclesiastical traditions; but he was a neighborly, sensible and right-minded man, a country gentleman on a small scale, rather than a member of a clerical caste. He was perfectly independent, and lived among his poor like one of themselves.

But Kingsley was a great deal more than that, and he knew, as a friend, every man, woman and child in the parish. He doctored them, advised them, nursed them, taught them and loved them. There was not a soul in the parish who was in trouble or difficulty who did not know that, if he went to the Rector, he would have all the sympathy, interest and practical help of a perfectly honest, courageous and tender-hearted gentleman. There was simply nothing, however disagreeable, that he would not do for them, no sin so base or disgusting but he would try with all his might to clear them of. He met them with no condescension, no airs of superior wisdom, no claim to respect except what he could win as a man, and he treated them as his equals, except in the cases where he treated them as his superiors. He could talk to the men about their work, about the weather, about horses, about crops, about sport; he could talk to the women about their ailments, their cares, their husbands, their children. He could play with the boys and girls, laugh with and at them, tell them stories, show them a hundred pretty things. The only things he could not stand were cruelty or unkindness, or meanness or pretentiousness. In the presence of such qualities he exploded in vigorous words of indignation and grief. He made his flock the first object of his life, and never allowed anything whatever to interfere with his care for them. He abominated dirt and waste and slovenliness and drink as much as he hated laziness and impurity and selfishness; but once let a man turn his back on his sin, and he lavished on him all the tenderness of a brave and manly heart.

But he had many other activities, for his spirit did not burn like a solitary flame, but blazed like a fiery furnace. He went about preaching and lecturing; he flung himself into the great Chartist movement; he was one of the founders of the Working Men's College; he was the friend of all who took up the cause of humanity, of Carlyle, of Cooper, of Maurice, of Tom Hughes. As his fame grew, he was consulted by men and women of every age and rank about their difficulties, and he answered them eagerly and wisely. He took pupils to add to his scanty income, and he wrote many fine books, of which some—perhaps those in which he poured out his heart most—are now unduly eclipsed; though the fame of the *Heroes, Westward Ho, Hypatia* and the *Water-babies* still preserves its vitality and force. To myself the strange, formless, digressive, inconclusive, noble book *Yeast* is the most characteristic of all, because he here really bared his heart. But, in spite of its vigor and its fine pictorial power, it has somehow become Early Victorian; it has faults of taste; it ranges over problems which have now passed into the background, and offers as its solution a curiously nebulous sort of mysticism. It was written, after all, in the days of the Charter, when Labor Members were still a dim and unrealizable dream. Half the aspirations of the book have become the plainest matters of fact, such as fair wages, decent housing, education. No one doubts the justice of such claims; the whole combat has entered on a different stage, but the victory is or seems as far off as ever. No longer can we hope, as Kingsley seemed to hope, that the problems of the world can be solved if we only have a network of sewage farms extending over the length and breadth of the country.

There drifts into the tale, after the passion and heat are over, a mysterious, gruff, wealthy personage, who, it must candidly be confessed, is something of a bore, and rather a pretentious bore, with a marvelous power of linking together bad arguments, and a battery of voluble phrases such as Carlyle himself might have envied. He tells the hero that he is going to take him away to have his education finished in some place where the social problem has been solved, and where men live by just and unselfish laws. The mind loses itself in vague speculation as to where the prophet means to go, though he seems to have no doubt himself. The last conversation takes place in the nave of St. Paul's, and con-

sists of a rhetorical harangue from the prophet, interrupted by plain questions from the hero, to which I am bound to say he gets very unsatisfactory answers. But it is beautiful for all that; though it is a poet trying to talk like a logician and arguing as ill as poets alone can argue, yet the pages are full of glowing, hopeful, suggestive thoughts, meat on which a man may stay his soul in the wilderness, and in the strength of which he may fare forward. It has all the beauty of youth and generosity and courage: the beauty of a soul which through perplexity and dimness still hopes vigorously and vehemently in justice and truth and love. It moves me yet to read it, and it was like a heavenly manna in the old days; and though I make fun of the book, I confess I cannot bear to hear it abused.

Then in the *Heroes* he retold some of the ancient mythological tales of Greece, in a sort of impassioned prose which is more than half verse. He takes the ancient forms, charges them with a subtle modern beauty all haunted with old echoes, and the book more perhaps than any other initiates a child into the spirit of Greek romance, the pure poetry of the olden world.

In his *Prose Idylls,* a book not so well known as it deserves to be, he did some of the best nature-drawing he ever attempted. His passion for streams and woods, the deep, ancient instinct of which we are half-ashamed, and which we do not or cannot resist, even though we cannot justify it on moral grounds—the instinct known by the ugly name of sport — here are depicted with exquisite poetry and in cadences and phrases of haunted beauty.

And then there is the enchanting *Waterbabies,* written as a gift to his youngest child. The first chapters are adorable in their sympathy with childhood and nature alike; and it does not detract from their charm that they are evidently the work of one who is somewhat weary of the journey, who would like to slip out of the heat and dust and lie down like a tired child in the cool and crystal waterway that creeps, a thread of silver, over the moor, with all its ribbons of trailing weed, its still pools and sunny waterbreaks. I know no book which so interprets the spirit and the essential mystery of moving water, alike the streamlet and the full-flushed, travel-stained river and the pure, vast, cavernous sea, with its sapphire spaces and the fallen light of its depths. But at the end of the book he gave the rein to his whimsical sense

of humor, and ran into long, absurd catalogues, in the Rabelaisian manner, of diseases and symptoms. It is a sorry disappointment at the end of the book where the child who, like Shakspere's drowned king, had suffered "a sea change into something rich and strange," who had escaped from the foul chimneys into the clear rivulet, who had played with waterbabies in the silver sand, in the weed-hung caverns of Brandan's Isle, who had darted down the river in flood among the gleaming salmon, should go back to the world and become an engineer. Not that one does not honor and esteem the work of the engineer among mortals; but of this child of the stream and the sea one finds one's self saying ruefully in the words of Vergil, "Mon hæc pollicitus" ("Not this the promise of his prime").

But the book was written out of the clearest and most joyful part of Kingsley's mind, overshadowed by no gloom —tender, absurd, charming and irresistible. Some may say that for a hard world like this, where we have to push for a place and a livelihood, it is too peaceful, too romantic a book for a child to feed upon. But I think that nowadays we are sometimes too practical, and forget to feed the soul. A child does better to come smiling out of the golden gates of imagination into the severe daylight of the world; and he will go through life with more fire and hope in his heart, with a deeper belief in the uses of beauty, than if solely initiated into the principles of the lever and the parabola, instructed about imports of jute and exports of hardware, and all the other things which practical men must no doubt know.

If one looks at a list of Kingsley's published works, one notices that his later books are almost all volumes of sermons or collections of earlier addresses and articles. The fact was that the old creative dramatic power had burned itself out. His poetical power left him first. He said of himself, in humble criticism, that he had not the necessary equipment for a poet, because he had not the power of seeing one thing in terms of another. By which he meant that the essentially poetical gift of metaphor and analogy was not native to him. The great poet sees a flower or a star, and expresses what he sees with delicate insight and perception. One reads the poem with delight, and the flower spreads its petals before us, the star hangs a point of glowing light in the low-hung gloom. All of a sudden one realizes that the flower or the star, which seemed so prominent, so distinct,

has become the least important thing in the poem; it is the soul that he is speaking of, after all—the soul's joy, when it opens its bright heart upon the day, or the mysterious hope that beckons to it from the other side of the darkness. It is no longer what we see that concerns us, but something vast that is hidden from us, but which is or may be a part of us.

That power Kingsley did not possess. He saw with a marvelous clearness; but he had a great share of the scientific spirit, and his mind dwelt with such intentness on the precise form, the outline, the effect, the detailed life of spore and cell, that he was content to remain there. In his beautiful poem of "Sappho," which he puts into the hands of his heroine in *Yeast,* we have a fine instance of this. Let me read a few lines:

> "She lay among the myrtles on the cliff,
> Above her glared the noon; beneath the sea;
> Upon the white horizon Athos' peak
> Weltered in burning haze; all airs were dead,
> The cicale slept among the tamarisk's hair,
> The birds sat dumb and drooping. Far below
> The lazy seaweed glistened in the sun;
> The lazy sea-fowl dried their steaming wings,
> The lazy swell crept whispering up the reef
> And sank again."

What a picture of high summer and burning heat! But he can say no more, and when the maiden herself speaks it is only to say that she has lost belief in her own utterance.

It is the same with "Andromeda," which I always think contains some of the finest English hexameters in the language; and with the beautiful elegiacs,

> "Wearily stretches the sand to the surge and the surge to the cloudland,
> Wearily onwards I ride, watching the water alone,"

the poet sees the scene with such distinctness that one sees it too. One stands with the dispirited man on the wide sands, watching the slow waves creep and curdle. But the flash is wanting which shows the further deeps, the remoter horizon.

In his novels Kingsley could put out his strength more fully. Into these he poured his humor, his melancholy, his affection, and his joy. He had a shrewd perception of character, he had an immense historical sympathy; he knew by instinct that nothing in the world which human beings have ever cared about, and thought about and loved can ever wholly lose its charm. He did not perhaps dive very deep,

but he saw very wide. He understood men and women because he loved them, because he loved life, because he wanted to make life noble and beautiful. He had a great dramatic power. The one thing that prevented his being in the very first rank of novelists was that he was essentially a partisan. The novelist ought to have no preferences or prejudices. He ought to make his world, like a little god, and sit above it serenely. He must not storm and scold; he must not write down some of his characters and write up others. He must let each speak and act for himself, and he must see the point of view even of his villains and rogues, and appreciate the excuses that they make for themselves. But Kingsley could not do this. He hated a certain type of character with all his heart. It would be grossly unfair to call it the priestly character, because he was himself a priest to the inmost fiber of his being; but he hated the false priest, the man who uses his sacred character and his holy secrets for his own ends, to gain and maintain his influences, to wield power. This character comes, over and over again, into his books, and is spoken of in *Yeast* in terms of obloquy so gross that one cannot even venture to repeat them. Kingsley had a deep pity for frank weakness. The poor poet Vavasour, in *Two Years Ago,* is very tenderly handled. But he detested a mixture of timidity and cunning. There is no harm in presenting such a type in a detestable light; but you must not strike and spurn your characters and spit in their faces, and this Kingsley did with immense energy.

Gradually, as I have said, the creative glow died away. The animal spirits failed. Life began to appear both too brief and too serious to be sported with; and he passed gradually from the interpreter to the prophet. One can find it in one's heart to wish it had been otherwise. Perhaps if he could have imposed upon himself what Lord Acton used to say was the first condition of permanent work—resolute limitation—he might have done greater work in the field of fiction. But it was just what Kingsley could not do; he was a man of impulse. He found that great, earnest, thirsting crowds would come to hear him speak, and he threw aside all other thoughts and spoke. "Woe unto me if I preach not the Gospel," he once said, with flaming eyes, to one who pleaded for more books.

After all, the sowers of seed must sow it after their own method. We hanker, as the circle of those who knew a great

man grows smaller, for some permanent memorial of his spirit. We are apt to forget that a man can enrich the blood of the world as well by the spoken as the written word; and the effect of Kingsley's sermons is none the less there because we cannot see it. As literature, they can hardly be permanent. I do not know if they are still read. They seem to me to be rhetorical, and the glow has somehow died out of them. They need the deeply lined face, the noble gesture, the burning eye, the thrilling voice, to send them home to the heart.

Kingsley was a very familiar figure to me as a child. My father was headmaster of Wellington College from 1859 to 1873, and Eversley was only three or four miles away. Kingsley and my father were great friends, yet I do not recollect ever seeing Kingsley at Wellington, though he must have been there many times; but he was a man who filled the day to the brim with work, and I do not think he ever had much leisure for what one may call social duties or social pleasures, according to the view that one takes of such festivities. But I do remember him very well indeed at Eversley; and I will try to sketch him as he seemed to the eyes of a child, nearly forty years ago. One has no continuous memory of childish days, I think; certain bright pictures and radiant glimpses stand out in the mind—and among the most radiant pictures that I have in my mental gallery are a few of Eversley. We used to walk over to luncheon and spend the afternoon there. The road from Wellington went up a long incline among woods, and came out on a high, heathery plateau, with a great view to the south over Hampshire. Then the road dipped down into the green plain. Soon one came to a little village green, with a farm-house among its barns and outbuildings; a solid, ugly, brick church tower was visible on the right. Then one passed a little lawn, with a sunk fence and a rustic paling, and went in at an iron gate among shrubberies to an old, rambling, irregular brick house with big bow-windows, standing so low that it was sometimes flooded in stormy weather. It was a very pretty, peaceful place on a summer afternoon, with the shadows of the great trees on the turf, and the churchyard close by, where Kingsley now sleeps well. I can see him coming out to meet us, a strong, spare, active figure, with very marked features, a big nose, a great, mobile, compressed mouth, eyes deeply set, but with a flashing light in them that told you he was no

ordinary man. His face was worn and deeply marked, showing that he had not found life an easy business. He used not to dress like a clergyman. I remember him in a rough, dark-gray suit, with knickerbockers and a black tie. And then his voice was unforgetable; he had a tremendous stammer, and whatever he said was said with a prodigious energy. I remember his coming out, crying out a hearty greeting, taking both my mother's hands in his own, with a kind word for each of us children, saying that he had this and that new thing to show us. I remember going into his little, dark study, crowded with books and papers, smelling strongly of smoke; how he took up an old hunting-knife that had been dug up in the New Forest and sent to him, and told us a story about it; how he filled our pockets with little treasures—scarlet seeds that he had brought from the West Indies, brown, polished nuts, an odd Indian ornament of red and yellow feathers tied on a string, which I have to this day. I remember a walk alone with him in a wood hard by, where we heard the report of a gun, and afterward found in a ride a dead jay, just shot by a keeper, and how he picked it up and smoothed its feathers, and looked at it for a moment with a look of pity, saying, "Poor beastie!"—a compassion which I, as a child, thought very much thrown away on a piece of incredible treasure-trove—a real dead bird, with nice claws and legs, with pink and blue feathers and a pretty spotted crest, and with the additional advantage, which all dead birds did not possess, of being warm and smelling sweet. He was going to throw it back into the wood, I think, and I was forming a desperate resolve to slip back and secure it, when he gave it to me, saying, "There, put that into your pocket—perhaps your father will have it stuffed for you." And a few weeks after stuffed it was, sitting, with a bright, hard, glass eye, on a branch, in a perfect bower of dried grasses, and herbs looking like fried parsley, with a blue sky behind. I have it still, and its merry eye is still undimmed, its parsley brake as green as ever.

I remember, too, one hot summer afternoon, how he and my father, with my mother and Mrs. Kingsley, sate out on the lawn and talked; and we heard shouts of laughter from the group. I did not know then, but I know now, that some one had asked what was the pleasantest way of spending a day, and how Kingsley had looked up and said, with his great stammer, "Why, to lie on your b-belly like a lizard in

the sun, and to think about nothing." We children wandered restlessly about the lawn, and I broke off a great flake of bark from a decaying tree; out of the cavity tumbled a huge white grub, the color of sickly tallow, with horrible blue spots, and fell writhing on the grass. Mr. Kingsley had to be dragged from the group to tell us what it was. He was all alert with interest; he picked it up. "Show me exactly where it fell from. I don't know what the ugly fellow is—never saw anything like it; and now we will pop him back into his nice hole, and I will remember the place, and see if I can find out what he turns into. Don't forget to ask me some day." I did ask him every time I saw him, till it became a joke between us. But he could never discover. "Oh, he slipped off some night when he was grown into a jolly old beetle, and probably has by this time a big family of his own." But one recollection, above all, remains with me. I walked over one summer morning with my mother to go to Eversley Church. We got there just in time, and slipped into the Rectory pew, Mrs. Kingsley smiling a welcome from her big black eyes. I remember the vestry door under the tower creaking, and how he came marching up the church looking about him, in a big, loose surplice and hood, followed by the curate. He always looked to see if the men of his parish were at church, and if they were not they heard of it afterward. "Now look here, Jim, the missus doesn't want you lying in bed, or lounging about and smoking. She wants to get the children nice and to cook the dinner. So I expect you to come to church in the morning—and then in the evening you can stop at home and look after the house, and she can go to church with the children." And they came, partly because the advice was sensible, and partly perhaps to please the Rector!

The chancel at Eversley was screened from the church, I remember, by a quaint Georgian screen, gilt and painted. Mr. Kingsley went in, and remained hidden somewhere—I could not see him; the curate read the service, and then, before the Communion, joined Mr. Kingsley inside the screen. There was a pause, and then—it gives me a thrill now to think of it—there came a full, deep, resonant voice, without a trace of stammer, so that I could hardly believe it to be Mr. Kingsley, reading with an infinite solemnity, with pauses between the words, "Our Father, which art in heaven," not only as if he meant it, but as if it was every-

thing to him, and he was laying his whole soul before God. A silence fell on the hot and crowded church. He came out of the screen for the sermon and preached on "Seek ye first the kingdom of God and His righteousness"; and I can see him now, with his grave, fatherly, uplifted look and flashing eye, and the scorn with which he spoke of the pursuit of riches.

But I must be forgiven if I say of what I was thinking, like a child, most of the time. Not many months before there had arrived in the church, while the morning service was going on, a pale, breathless and perspiring groom, who announced that the great house of Bramshill hard by was on fire; whereupon all the congregation had streamed out; Kingsley with them. In the churchyard he had sternly sent all the women and the curate back into the church. "Go back and finish the service; we don't want you up there fussing about; all the men are to come with me"; and thereupon he had run across the churchyard, and just as he was, surplice and hood and all, he had jumped over the hedge into the Rectory garden, torn his things off, seized a little axe, and run up to Bramshill faster than any of his parishioners, where they managed to get the fire out.

All the time that he was preaching—may God forgive me—I was hoping that Bramshill might catch fire again—such blessed incidents did sometimes happen—that I might see Mr. Kingsley jump the hedge in his surplice, and that I might be allowed to go up to the fire, while my mother could certainly be sent back. However, we had no exciting interruption; but the strange thing is that, though it must be six-and-thirty years ago, I can yet remember the whole scene with absolute vividness, which proves, I think, its impressive quality. Only twice have I visited Eversley since those days, to stand beside his grave in a corner of the churchyard, under the great cedar of the Rectory, where he always, and often how ardently, desired to lie. There is a little, bare path worn across the turf by the feet of pilgrims who have visited the place, and I think his great, loving heart must be glad that men and women should do this for the love of him, his wisdom and his tender care.

And I may, perhaps, here add two or three of the stories that my father used to tell about him.

Kingsley was, of course, one of the broadest and most liberal of Churchmen—so much so that in his love for sci-

ence, in days when science and religion were held to be in a deadly antagonism, he said and printed many things which made old-fashioned people say that he was hardly a Christian at all—one of the foulest slanders ever uttered about a true man of God and a loving servant of Jesus Christ. A lady, the mother of a boy at Wellington, was afraid, being a very rigid Protestant, that the services in Wellington Chapel, in their beautiful precision, were dangerously High Church. She sent a friend down to spy out the land, and afterward upon his information wrote to Lord Derby, then President of the Governors, to say that Dr. Benson was a dangerous Ritualist, and that a friend of hers had attended service there, and had heard a sermon of the most distressing kind, the doctrine of which was very nearly Roman Catholic. Lord Derby wrote to my father, inclosing the letter and asking how he should reply.

My father wrote back to say that the service at Wellington was careful and reverent, but of no particular school, and that the preacher upon the occasion happened to be his friend and neighbor, Mr. Kingsley, who, of whatever views he might be suspected, could certainly not be suspected of sympathy with Romanism. Indeed, the score was singularly complete, for it was just at the time when Kingsley had been engaged in his famous controversy with Cardinal Newman, in which he had made a very vehement attack upon the Church of Rome's methods, and in which, it must be confessed, Kingsley had for once rather forgotten his manners. And perhaps it may be added that, while Newman triumphantly vindicated his personal character, we may be ultimately grateful to Kingsley's fierce and faulty dialectic for eliciting the splendid "Apologia pro Vita Mea." Indeed, it was one of those great controversies in which both the disputants were probably right.

People who saw Kingsley at the service at Wellington Chapel—he was often there when his boy was at the school—more than once asked my father who it was that bowed his head so low at the sacred name of Jesus in the prayers and exhibited such emotion all through the service.

My father used to tell how once he was walking with Kingsley round about Eversley, when Kingsley suddenly stopped and said, "It is no use; I know you detest tobacco, Benson, but I must have a smoke"; and he had accordingly gone to a big furze-bush and put his arm in at a hole, and,

after some groping about, produced a big churchwarden pipe, which he filled and smoked with great satisfaction, afterward putting it into a hollow tree, and telling my father with a chuckle that he had concealed pipes all over the parish, to meet the exigencies of a sudden desire to smoke.

Again, my father remembered walking with Kingsley and coming to a little horse-pond, nearly dry, in the mud of which were writhing a number of hateful-looking transparent worms. Kingsley bent down, absorbed, to watch them, and in a moment turned up his sleeves and plunged his hands into the mud, saying, solemnly, "In the name of N-nature, come out."

And once again, the great aeronaut Coxwell came once to lecture at Wellington, shortly after his terrible ascent in a balloon, when they had gone so high that his companion had become unconscious and Coxwell's hands were so frozen with cold that he had only just in time been able to tear the valve open with his teeth.

There was a large party invited to meet Coxwell at dinner, among them Kingsley. After dinner, Kingsley suddenly said in a silence, "I have often thought that the first man that ever went up in a balloon must have been a d-dentist." Some one laughed and said, "What an extraordinary idea!" "I don't know," said Kingsley; "a man who is always looking down people's throats, and pulling their teeth about and breathing their breath must be inspired with a tremendous desire to get away and above it all." Coxwell leaned forward and said very good-humoredly, "Well, Mr. Kingsley, it is true that I am a dentist, but it was not that that made me become an aeronaut." "My d-dear Mr. Coxwell," said Kingsley, flushing red, "I am sure I beg your pardon. I had no idea it was so. You must have thought me singularly ill-mannered to make a joke of it." And he could not recover his spirits for the rest of the evening, because he was the soul of courtesy, and hated giving pain to any human being more perhaps than anything in the world.

And I will add here a characteristic little story, never, I believe, published, told me by a near neighbor of Kingsley's. Kingsley was lecturing at Chester on "Heroes," and had just concluded with fiery emotion a very noble address. The chairman, a well-meaning man, who had, no doubt, prepared a neat impromptu speech beforehand, lowered the emotional temperature by saying that the man who answered to the

description of a hero was the man who, with the thermometer below freezing-point, put his feet down to the bottom of his bed. There was a laugh, and then a silence, in which Kingsley, with thunder in his face, was heard to whisper, as he imagined, to his neighbor, "Who is that f-f-fool?" And I cannot refrain from thinking that he would like to have prefixed to the word "fool" the qualification which the Duke of Wellington was known to use with considerable effect.

Life ran on swiftly enough at the little parsonage, but never either equably or peacefully. Kingsley's life was a series of breakdowns. When he was well and strong he would write letters, visit his people, talk, smoke from morning to night. He was extraordinarily restless in body as well as in mind. He could seldom sit quietly through a meal, and tobacco was to him an absolutely necessary sedative. Then at the end of a day which would have sent many men crawling to bed he would sit up half the night writing at one of his novels. Then after a few months he would collapse and be ordered off. At first he used, after a breakdown, to plunge into active physical exercise, and be surprised that he did not get better; but he soon discovered that it did not refresh the mind to overtire the body, and so he used to content himself with sitting out in the sun in some quiet moorland place, drawing the peace of Nature and God into the fevered brain and throbbing heart till the old energy returned. He had moods of the deepest depression, and indeed all life long looked forward to death, as he said, with an intense and reverent curiosity.

At one time he made the mistake of accepting the Professorship of Modern History at Cambridge. He was not in the least equipped for it. He knew no history scientifically, but for all that his lectures were intensely inspiring, though attended more by young enthusiasts than by professed historical students. But he realized himself that it was a mistake, and soon resigned. What was felt by the more cynical academical people on his retirement is best expressed by an epigram of the late Master of Trinity, Dr. Thompson, who attended the inaugural lecture of Kingsley's successor, Professor Seeley, a man of great genius, whom the Master hopelessly underrated. The Master sate through the lecture with an air of supreme contempt, and, on going out, said to a friend, with an air of gentle compassion,

"Dear, dear, who would have thought that we should so soon have been regretting poor Kingsley?"

I have said that Kingsley was very unpopular at one time in England. He was thought dangerously unorthodox, a Radical, a Socialist, an encourager of republican doctrines. But Kingsley was never really a Radical—he had an intense sympathy for the downtrodden poor, but what he loved in them was not their discontented and repining spirit, but the true men that they might become. He had a great idea of the due subordination of classes, and of the noble work of kings and priests. He once said to a friend at Chester: "When I was in America, I saw the prospectus of a newspaper whose editor promised that he would always act up to his motto: 'When you see a head, hit it.' Good heavens," added Kingsley, "what an idea this gives one of the constant tendency of democracy to keep all human qualities, powers and talents at one dead level!" Still he was misunderstood and almost persecuted. He preached a sermon once in a church in London about which a complaint was made to the Bishop, and Kingsley was forbidden to preach in London, though the prohibition was withdrawn on the publication of the discourse.

But he lived it all down, and came to be regarded with universal admiration and love; he was made a Canon of Chester and later of Westminster, where he held enormous congregations spellbound by his fiery eloquence. But the blade was wearing out the scabbard. His son came back from a tour abroad, and was horrified to find that his father had suddenly become an old man, bent and with white hair, though he was only fifty-six, and at the end of the year 1874 he went joyfully back to Eversley from his residence in London for the last time. Early in the new year Mrs. Kingsley fell dangerously ill, and her life was despaired of; the fear struck Kingsley down, and he fell ill himself of a chill. One night he augured from something that was said at his bedside that her death was momently expected, and insisted on going to say good-by to her—and what that sacred parting was can be imagined rather than told. But the exposure to the cold air brought on pneumonia, and he lay unconscious, in the sad and solemn occupation known as dying—when the most commonplace person in the world who lies dozing and fevered in the darkened room is invested for all who move silently about the house with a strange majesty

and awe. And so he passed into the presence of God, having lived in his small span of existence the life of ten men of ordinary mold. Mrs. Kingsley recovered, and survived him for many years.

It is an almost impossible thing to try to analyze and summarize the life of Charles Kingsley. It is like analyzing a flame, a thing that glows and leaps and vanishes ere you can fix your gaze upon it. He did not found a school of thought or enrich his age with great, fruitful ideas, but he belonged to the party of those who, like Carlyle, dared to look facts in the face and say what they thought of them; and this was all the more impressive in Kingsley because he spoke and acted candidly, unconventionally and generously, from a position which had grown to be synonymous with caution and conventionality and acquiescence. He was a democrat in surplice and hood. He was not a revolutionary at all; he believed with all his heart in labor and order, equal opportunities and due subordination; he did not wish to destroy the framework of society, but to animate it throughout with appropriate responsibility.

But he was far more than this: he was a poet from head to heel, and all his work, verse or prose, sermon or scientific lecture, was done in the spirit of the poet. He was neither theologian nor scientist nor historian, but he loved Nature and humanity alike, the complexity of natural forces, the moral law, the great affections of men and women, their transfiguring emotions, their noble sacrifices. It was to him a conspiracy of manifold interest, a huge and enlivening mystery, holding out to him at a thousand points glimpses of a vast and magnificent design, of which he burned to be the interpreter. But he was not content with a splendid optimism of heart and voice, such as Browning practised; he had a strong combative element, which could have made him an enthusiastic pirate if he had not been a parson. He had that note of high greatness—the power of tormenting himself into a kind of frenzy at all patient and stupid acquiescence in remediable evil. It is an unphilosophical position enough to hold that the world was created on ideal lines, and that mankind has perversely marred the design. Sir George Trevelyan, in one of his youthful ebullitions of irresponsible and delicious humor, writing of Calcutta, said, "God made the country, and man made the town, and the municipal council made the drains"—the combined effect is

overwhelming. But that was in a way very much Kingsley's view. He saw a world full of splendid chances, crammed with entertainment and work for all, and yet in a horrible mess. He wanted to put it all straight, beginning with the drains, and yet never forgetting the Redemption. And so he went on his way through life at a swinging stride, with a word and a smile and a hand-grasp for all, full of pity and courage and enthusiasm and love, ready to explain everything and to maintain anything, in a splendid and contagious hurry, making plenty of mistakes, full of weak arguments and glowing metaphors, and yet somehow uplifting and inspiring every one with whom he came into contact, giving away all he had got with both hands, greeting every one as a brother and a friend, his life flaring itself away in his joyful and meteoric passage. Like Sir Andrew Barton, in the fine old ballad, when he was pierced, he said:

> "I'll but lie down and bleed awhile,
> And then I'll rise and fight again."

Thus one feels about Kingsley, not that his conclusions are intellectually correct, but that they are emotionally inspiring—that his restless, roving eye, his bold, unquiet heart, his uplifting talk, his joyful laughter, his pitying tears, all make him into a personality which even the coldest and dullest could not regard unmoved.

And then, too, whatever he was not, he was a great teller of tales which catch the heart of children and men alike by their sweetness, their energy and their purity, and leave one gasping and thrilled, with a strong inclination half to shed tears and half to go and do likewise. Life was full for him of fire and music, with a vision ahead of a city of God where one could live unstained and love untroubled.

It was in a day of radiant summer that I last set foot in Eversley. The church has been restored in Kingsley's honor with that singular and pathetic desire to do honor to a man by destroying and refurbishing everything on which his eyes had once lovingly rested. The little yew-trees of the churchyard had grown up into tall pillars; the marble of the grave is weather-worn now; the house where his fiery heart beat so high and sank so low is, but for an added touch of trimness, just what I recollect it to have been. The whole place was thronged with pilgrims—groups of men and women and children, come to see the earthly scene where the books they

loved had been written, where a man had clasped life so close and worshiped it so tenderly. As a rule, when one visits a shrine which one regards as sacred, one desires to be alone; but I loved to see those pilgrims there, and loved them for coming. It seemed natural, beautiful and right. There was not a tree or a stone in the place that did not seem somehow penetrated with the man's great and tender spirit. I was thankful that I had seen him and loved him in the old days, and that it was good to stand where his spirit had broken out, like a spring in a wilderness, to sink again into the central Fount of life and love.

ARTHUR C. BENSON.

NEW BOOKS REVIEWED

FICTION

THE MILLER OF OLD CHURCH. By ELLEN GLASGOW. New York: Doubleday, Page, & Co., 1911.

AMONG the established novelists of our country Ellen Glasgow easily stands in front rank. None of the modern inducements to gain popularity by lowering her own fine standard of what the novel is and should be have corrupted her. Her work has been astonishingly steady and serious and each new novel has shown in some way an advance upon the earlier work; a new beauty of style, a wider philosophy, a saner grasp of living, or a profounder knowledge of the human heart.

In *The Miller of Old Church* we note two sources of strength and charm. First a more fluid and easy narrative. There is never a sense that invention has run short and been forced. The narrative moves simply, but surely and inevitably; characters are true to themselves and show temperamental integrity, and the knowledge of humanity is surer, deeper than ever before.

There is no exaggeration in saying that what Thomas Hardy has done for the folk of the south of England Ellen Glasgow has done for Virginia. She is steeped not only in the soil and landscape,—other writers have matched her here,—but in the humanity that grows on that soil.

We have a wonderful picture-gallery in *The Miller of Old Church,* and to begin with the very first there stands Adam Doolittle, a worthy study to set beside Hardy's "Sammy Blare" or "Granfer Cantle." Old Adam appears in the first chapter, and his ready and complete philosophy of life comes out at once in his warning to the stranger that if he persists in going as far as Jordan's Journey "thar's the bars to be pulled down an' put up ag'in." Nowhere else except on Virginia soil would this question of bars be of so great moment, but where the blood runs so sluggishly and effort is so difficult it is a matter of import. No wonder when young Adam, "a dejected-looking youth of fifty," informs his father that he found the bars already down he responds: "Well, they hadn't ought to have been. Bars is bars, whether they be public or private, an' the man that pulls 'em down without puttin' 'em up ag'in is a man that you'll find to be loose-moraled in other matters." And again he says: "I'm too old at my time of life to take up with any opinion that ain't pleasant to think on, an' when all's said and done pure murder ain't a peaceable and comfortable kind of thing to believe in when thar's only one Justice of the Peace an' he bedridden since Christmas. When you ax me to pin my faith on any p'int, be it for this world or the next, my first question consarnin' it is

whether that particular p'int happens to be pleasant. 'Tis that little small argyment of mine that has confounded Mr. Mullen more than once when he meets me on equal ground outside the pulpit. 'Mebbe 'tis an' mebbe 'tisn't' as I remarked sociably to him about the matter of eternal damnation; but you can't deny, can you, suh, bein' outside the pulpit an' bound to speak the truth, like the rest of us, that you sleep a long sight easier in yo' bed when you say to yo'self that mebbe 'tisn't." A perfectly delightful character-study from beginning to end is old Adam, with his indigenous wit, his true wisdom of the soil—"when it comes to crops or the weather I'm firm fixed enough in my belief, but in matters of religion I hold with the onsartain"—to the last scene in Bottom's Ordinary where old Adam expounds philosophy to his son: "Human natur' is generally made with a streak of foolishness an' a streak of sense, just as fat an' lean runs in a piece of bacon. That's what I say, an' I reckon I ought to know, bein' turned ninety." He is a masterpiece of portraiture as wonderful in kind, as true to life as Ghirlandajo's picture of a grandfather with a wart on his nose and a glance as tender as the blessed Virgin's.

Old Adam is the finest portrait in the book, but Solomon Hatch and Betsy Bottom of Bottom's Ordinary, Sarah Revercombe, with her flowers and her sharp tongue, her stoic sense of life, and tenderness to the grandparents, are almost as fine; and Angela, that egoist and despot, who by virtue of physical frailty and transparent loveliness goes through life riding the wave of other people's sacrifices, is a very remarkable bit of observation, while for hard pathos there are few bits of portraiture equal to Aunt Keziah. The main story is concerned with the love of Molly Merrywether and Abel Revercombe, but the background of humanity in which the two chief actors are set is so fascinating as to lure one over and over again to the minor figures. For the first time we feel that an American novelist may come who shall stand equal to Hardy. Miss Glasgow has a like eye for landscape, a deep sense of the interplay of soil, climate, and character, as deep a probe for the human heart. She has, too, as witness the pages dealing with the death of Jonathan Gay as full a philosophy. These pages are written with a poetic and strangely mystical sense of the wholeness of all existence. The death of Reuben is reminiscent of two earlier books—namely, the wonderful end of Waldo in *The African Farm* of Olive Schreiner and the death of Florrie in Alice Brown's *Rose McLeod*, but the death of Jonathan is a piece of writing which we should be at a loss to find equaled elsewhere. Miss Glasgow began as a novelist with the publication of *The Descendant* before her twenty-first year. She has progressed steadily, producing a novel each second or third year. We feel that in this, her ninth book, she shows herself a worthy successor to Thomas Hardy, as able and as profound in her own field as he was in his.

The Long Roll. By Mary Johnston. New York: Houghton Mifflin Company, 1911.

It was told that when Mary Johnston's first novel was published a young professor handed it to another, saying, "If you want some fun here's a dime novel well written." Miss Johnston began, indeed, with the novel of adventure and she was nothing if not prolific of them. "A thrill a page" was another of the gentle advertisements of one of her first books. In re-

reading those early books what one notes is excellent writing, a good knowledge of literature, especially eighteenth-century literature, a keen sense for event, and a total lack of grip upon human nature. Her books were book-made; the work of an imagination fed upon romance, but, alas! strangely lacking in heart and human experience. But Mary Johnston, like Ellen Glasgow, has been a serious craftsman. She also has meant to do the thing worth while at all costs to herself, and her novels have steadily improved. *Lewis Rand* added to a fine historical sense a real power of characterization.

The Long Roll is the best fictional study of the Civil War that has yet been done in America, and it achieves the impossible; it fairly makes that worn and hackneyed subject throbbingly alive. The very marches and countermarches, the despatches and orders, take on life under Mary Johnston's keen and vivid sense of the past. Old soldiers, men who have marched through the very roads she describes and fought the battles she writes of, say that her minute knowledge of every detail of the war is little less than a miracle. The portrait of Stonewall Jackson is, of course, the central point of interest, and it is, as portraits go, doubtless remarkably true. His lemon and his feet are, perhaps, somewhat too much in the high light, but the whole thing is as able an historical study as we can show in the fiction of America.

A Big Horse to Ride. By E. B. Dewing. New York: The Macmillan Company.

It is the way of adolescence to begin with self-contemplation and slowly to widen the gaze until it reaches the outer world. Miss Dewing is amazingly young and amazingly clever. If she continues to write novels and to turn her penetrating gaze slowly from the inner to the outer life she may do something very well worth while. Those writers who begin with the outer apprehension, as did Meredith, often become too intellectualized, too impartial and inclusive for a wide audience. Those who persistently harp on the personal string go crazy, as did Nietzsche. There is a happy medium in which the personality, while never dissolved, is slowly broadened to take in the surrounding world, and we get as a result a universe temperamentally sifted.

Just now Miss Dewing is still at the intensely subjective stage of existence. We do not mean to say that because Miss Dewing gives us in *A Big Horse to Ride* the autobiography of a dancer that she herself is a dancer. Rather we fancy she has made a close study of the cool-headed, light-toed Genée and has endowed her with the writer's swift and curious intelligence and so made a very enthralling heroine. We note with pleasure throughout the book the insistence upon "intellectual integrity," which is as much the dominant ideal of the highly educated woman of to-day as tender susceptibility and emotional submission were of the Early Victorian lady. Not that the young lady of the novel is passionless; there are more love-affairs, light and heavy, than the old-fashioned like to contemplate; she runs the gamut from a chase around the tea-table to be kissed to the six years' desertion of an estimable husband; but with all this she still records that "a skirt held well out of the dust" is, after all, the most fertile field of passional analysis. Exactly how dust would be symbolized to this proudly intellectual lady we cannot guess. The old-fashioned lady did not

admit with so much frankness the wavering of her emotions. Perhaps her emotions wavered and she did not tell. At any rate, the purging of the mind by free confession and careful analysis is the modern method and the one Miss Dewing adopts. One lover is what she calls "the lute-playing of love"; another represented "the love of the flesh, a frank delight of the eye; flesh at its highest"; and shortly after came the husband who represented dominance, quiet force. One hardly knows whether it is in keeping with the general character of this husband that after six years' absence a telegram, "I am coming to you," should be responded to with, "Good!" However, so the tale runs, and whatever the tale may not be,—and it is neither broad nor deep,—it is clever, amazingly clever. There is, of course, in the book what Emerson noted in Margaret Fuller, "a rather mountainous Me." The young dancer who is the author's heroine undoubtedly sees the world, life, human nature, as a whetstone upon which to sharpen her wits. Are clever women more egotistical than men, or do we notice it more just because we are less used to it in them? It is hard to decide. Usually a young man has outgrown his "mountainous Me" at twenty six or seven. Life has disciplined and divested him; custom is more tender to women. Miss Dewing is once more tremendously clever, and some day all this material of cleverness may work down into wisdom and reflection and she will give us a good novel. But let her, meantime, beware of the standards and ideals of Gertrude Atherton and apply her heart to getting wisdom.

THE VISIONING. By SUSAN GLASPELL. New York: Frederick A. Stokes Company, 1911.

One's first thought in reading this pretty tale is that the mantle of the Duchess has fallen upon Miss Glaspell. But despite the fact that it is a young girl's book of a young girl's world, life has so changed that the atmosphere of the Duchess's people can no longer be evoked. In her slight and pleasant way Miss Glaspell copes with the most serious problems of human civilization.

The child's world is nearer to heaven than the man's, and this young girl's book is purer and lovelier than the books of many a more sophisticated mind. Perhaps if more young girls were taught to help and to love and to console just whenever and wherever they could,—scorning the consequences,—we might some day have a better world than we have to-day. Miss Glaspell writes with dangerous ease, some grace, some effervescence of spirit. She grapples lightly with the insincerities of ecclesiasticism, and one of her best-drawn and most amusing figures is the good bishop who wants to stem the uprising tide of socialism. The conversation in which Katie, the heroine, suddenly asks her uncle, the bishop, "Do you ever think about Christ?" is very striking.

The book is a book for young minds. It is a girl's book written by a girl, but it may do much toward inducing generous ideals and kindly feelings, and it is throughout light and agreeable reading. It makes no pretence at seriousness and has from the standpoint of literature no existence at all. But it is a book to give the young without hesitation. It will interest and it will not hurt.

THE STREET OF TO-DAY. By JOHN MASEFIELD. New York: E. P. Dutton & Co., 1911.

John Masefield has rendered good service as a dramatist. His novel is more a promise than an achievement; it is notably less mature than the lurid and awful *Tragedy of Nan.* Like most young novelists, Mr. Masefield relies too much upon epigram, scraps of keen observation, sudden flashes of insight. His narrative power is still somewhat halting, and the characterization is occasionally feeble. Certain notes are reiterated until they remind us of the song "Ein Ton"; such, for example, as Lionel's feeling for the exquisite fineness and delicacy of women. The epigrams are mostly good. For example, "Success is the brand on the brow for aiming low," "Marriage is as much a refuge as an escape." Perhaps the best word in all the book is the last: "Perfect life, or that which we on earth call God, is no thunderous thing clothed in the lightning, but something lovely and unshaken in the mind, in the minds about us, that burns like a star for us to march by through all the night of the soul."

DENRY THE AUDACIOUS. By ARNOLD BENNETT. New York: E. P. Dutton & Co., 1911.

Really, Mr. Bennett should know better! After *Old Wives' Tales* he gave us *The Glimpse,* which was quite evidently a slight, young book rewritten and much patched. Now after *Clayhanger* he presents us with the less pardonable *Denry the Audacious. Denry the Audacious* is amusing, but it is likewise unpleasant. We do not respect ourselves for being amused at the career of a person who begins his success by forging a number on his school report. On this action Mr. Bennett comments: "Every schoolboy is dishonest by the adult standard. If I knew an honest schoolboy, I should begin to count my silver spoons when he grew up. All is fair between schoolboys and schoolmasters."

After this opening one is prepared for the farcical and rather vulgar continuation of Denry's successes. The book has the merit of carrying us back to Bursley, one of the five towns with which Mr. Bennett has made us so familiar. We have witnessed sordid tragedies in this town, and in *Denry the Audacious* we witness one of its sordid farces.

But with all due respect to Mr. Bennett's best achievements, we do not quite forgive him this vulgar jest.

BROTHER COPAS. By Sir ARTHUR QUILLER-COUCH. New York: Charles Scribner's Sons, 1911.

To those who are acquainted with the literary standing of "Q" the lightness and slightness of his novels always come as a surprise. They have, however, a distinctive touch of learning here and there and a fair and elegant style. The setting in the present case is easily identified as the Hospital of St. Cross at Winchester, although Sir Quiller-Couch confusingly calls his town Merchester suggesting Melchester, the name given by Mr. Hardy to the cathedral town of Salisbury.

The dissensions and difficulties in this community of noble poverty, the great unsettled question of high church or low church, and the final solution by means of that charity which covers a multitude of sins is the theme of

Brother Copas. There is a delightful Swinburnian translation of a late Latin poem—the sort of thing that Sir Quiller-Couch does *con amore*. There is a town pageant which brings peace after dissension and there is a perfectly unreal and perfectly impossible but equally charming American child. But, on the whole, there is enough background and enough setting, enough learning, and enough ease of writing to make the whole book very readable and pleasant for an idle half-hour. If this is the only way in which Sir Quiller-Couch can earn the liberty to do his literary studies we pardon his novels.

THE MARRIED MISS WORTH. By LOUISE CLOSSER HALE. New York: Harper & Brothers, 1911.

A great many people are profoundly interested in the stage and in those shadowy figures behind the scenes whom we see only in the heightened atmosphere of romantic passions and footlights. Mrs. Hale has already done good service in showing us these folk as quite simple, kindly human beings, much like ourselves. In *The Married Miss Worth*, Mrs. Hale reverts to one of the hackneyed themes of the all-pervasive woman question. Can a married woman claim to have any existence apart from her husband's? Mrs. Hale definitely answers, No! Love and a little light housekeeping are sufficient to fill all the best years of any woman's life. Our authoress even faces unrelentingly the case of a woman who is distinctly the better man of the two in the partnership. She must still consent to hide and be coddled and cuddled while the poor husband blunders along and makes such a living as he is able to for the two of them. Mrs. Hale is quite firm in her view of the eternal position of the sexes and of the inferiority of her own. But allowing for differences of opinion on this subject, the book is a merry, amusing tale full of fun, life, and anecdote.

MASTER AND MAID. By MRS. L. ALLEN HARKER. New York: Charles Scribner's Sons, 1911.

Mrs. Harker has written one charming book called *Concerning Paul and Fiammetta*. If many others had as good taste as Mrs. Harker, one could wish that publishers were purely dumb mechanics, for in the *Romance of the Nursery* publishers' suggestions undoubtedly spoiled the flavor of Mrs. Harker's work. One could hardly hope that this author could ever give us again anything as delightful and rare as the little figures of Paul and Fiammetta. In the present book, however, she gives us a bright-faced and unconventional little Irish girl who by some peculiar train of events goes to visit the housemaster in a boys' school. The situation is unprecedented and, of course, must result in either comedy or tragedy, and we are thankful to the author for letting it be comedy in this case. Every one in the book is exceedingly agreeable and pleasant except Miss Foster, the matron, who, according to all conventional standards, might naturally look upon the situation with disapproval.

In the end Lallie marries the housemaster whose citadel she has stormed and everybody is left to be happy forever. Mrs. Harker's style moves lightly and brightly, and the only criticism of the volume is that she has very little to say and not a particularly good story to tell.

TRAVEL

THE WEST IN THE EAST. By PRICE COLLIER. New York: Charles Scribner's Sons, 1911.

It is fair to say that the most striking, able, and best-written book of travel of the last year is Mr. Price Collier's *West in the East*. The great success of his *England and the English* prepared a wide public for his new book, and it will not be disappointed. His book is as interesting, as readable, as full of information as its predecessor; above all, it is as vital and alert.

Mr. Collier made his journey through the East under notably favorable conditions. His introductions, whether royal or merely given by high English officials, were such as to make him an honored guest of the Governor of Bombay, Her Highness the Sultan Begum of Bhopal, His Highness the Maharaja of Baroda, His Highness the Maharana of Udaipur, His Highness the Maharaja of Kaparthala, His Highness the Maharaja of Patiala, the Viceroy at Calcutta, etc. These were unusual opportunities, even if not such as to warrant Mr. Collier's assurance that with only such opportunities as fall to the lot of the average tourist it would not be worth while to spend a week in the East. Lafcadio Hearn, for example, had slight acquaintance with the aristocracy of Japan, but he left some valuable records and observations; and the same point might be made of Dr. Herbert Giles, professor of Chinese in the University of Cambridge, England, who translated *The Works of Chuang-Tsu*, and wrote the most valuable English books of Chinese learning extant. His *Synoptical Studies in Chinese Character, Dictionary of Colloquial Terms, Remains of Lao Tzu, Historic China and Other Sketches, From Swatow to Canton Overland*, were well worth his prolonged stay in China without any introductions. We do not know just how long Madame Judith Gautier remained in the East, or what her introductions were, but her *Livre de Jade* is a valuable glimpse into the soul of a people. But possibly Mr. Collier would make exceptions of such mental endowment.

Mr. Collier is evidently a man of alert and quick perceptions; of imperialistic convictions and excellent literary training. In these days when nothing is more scorned than so-called "style," it is a refreshment of spirit to read a book written in as pure a language, as clear and lucid a style. The great tradition of Matthew Arnold is carried on in this well-built volume. No sentences begin to straggle off into the dim inane. Sentences and paragraphs are well based and solidly built. They lead directly to a goal. And yet Mr. Collier is without pedantry or affectation. There is no attempt to write English as if it were a dead language relearned. The book deals mainly with British rule in India; it is full of information, excellent narrative, and beautiful description. Except for that incomparable and little-known tale *Kela-Bai*, by Charles Johnstone, we know of few books that give so vivid a sense of the strange, exotic atmosphere of India. The pages describing the Taj Mahal are truly eloquent. One wonders if Mr. Collier learned his art of description from such old poets as Li-Tai-Pé, who described a "Porcelain Pavillion," or Ouan-Po, who wrote of the "Pavillion of the Young King," or, best of all, of Thou-Fou who wrote "The Beautiful Palace of Jade"?

A charmingly written, very informing volume is this, and we take issue with it only when Mr. Collier draws his philosophical conclusions or when

he deals with matters psychological. Although one would derive from his hot praises that there was nothing he valued more than the judicial temperament, the somewhat heavy but slow and sure estimate of the meaning of a fact, it would be impossible to attribute this temperament to Mr. Collier. He is too volatile, too glitteringly brilliant, too swift to come at conclusions, too hot-tempered and provocative. It would be futile, since Mr. Collier is so openly imperialistic, to point out that his facts and statistics often contradict those of Mr. Keir Hardie, the socialist who preceded Mr. Collier through India. It is natural that what a man goes forth to see, he sees. We are not sure whether Mr. Keir Hardie is deserving all the contempt Mr. Collier treats him to or not. But there are some socialists certainly who do not deserve Mr. Collier's statement that they are trying to turn the world topsy-turvy because they are underneath. There are dignified and disinterested socialists who are willing to relinquish advantages from purely disinterested motives. Mr. William Dean Howells is a socialist, and no one could suspect him either of grasping or of sentimentality. It is, indeed, the chief flaw in this book that Mr. Collier is not willing to convert his adversary by data or by argument. He must heap abuse and contempt upon him. The method is a high-wrought and nervous one, and detracts greatly from the force and persuasiveness of the book. A very temperate letter, which was published recently in *The Nation* from an educated Indian studying at the universities in the United States, states that India is made to pay $150,000,000 annually to England for so-called home-charges, *without any economic return* whatsoever; that the famines in India are due to the inevitable results of the rack-renting English rule; that within the last quarter of a century there have been ten big famines which swept away from 15,000,000 to 26,000,000 people, and that the famines instead of becoming lighter and fewer with the continuance of English rule are returning with unprecedented severity and frequency. The letter goes on to say that not more than one man in ten and one woman in a hundred in India can read and write, and yet Mr. Collier inveighs vehemently against the amount of education England is giving to India. Only an expert could find out where the truth lay in these contradictions. Psychologically Mr. Collier's indictment against education will not hold water. We all know that a little knowledge is dangerous. So is a little authority, or a little success. Power of any sort is dangerous till a man has learned to handle it, but it is impossible to divide learning from character, judgment and discrimination. To teach a man to think, even enough to memorize an alphabet and set words together or to count objects and add and subtract is to add to his power of thinking and judging, and the only virtue and character that mean anything are the results of *thinking* right.

One of the most provoking of Mr. Collier's habits is to make contradictory statements upon the same subject, so that in the end one does not know where he stands or what he means.

Of the missionary in the East he says, p. 53:

"The conversion of the thousand million brown and yellow men of Asia by the five hundred million Christians is so far away in the distance that no eye, even of the imagination, can see so far down the aisles of time. Far be it from me, a Christian, to discourage the attempt. On the contrary, Christianity has become so clogged with materialistic misinterpre-

tations of its messages; the tent-making and fishing apostles have been so lost in cardinals and bishops living in palaces with the revenue of princes, that the Christian missionary seems almost the one fine and genuine thing left. Just because there is no hope of visible success he is the more admirable and the more Christian."

We are pleased with this appreciation of the missionary till it is ruthlessly destroyed on page 231 by the following:

"That stanch and fearless Churchman Bishop Creighton told less than the truth when he said: 'The conscious missionary is a bore.' He is often a menace to peace. It has been suggested that one reason there are so many heathen is that missionaries so often illustrate in their own persons the unpleasant effects of salvation. Praying to a congregation, or to any audience, any prayer, indeed, except it be inaudible and in the closet, would seem to be a most dangerous and daring form of spiritual exercise, a sickening form of idolatry," etc., etc.

The benefits of education, the value of libraries, and the whole French nation are waved aside with contempt. "You cannot teach character no matter how much else you teach, and character is the only thing worth while."

"France is suffering from physical and moral dry-rot as a direct result of secular education."

And yet in the conclusion we read "that we must first of all rid ourselves of the assumption that we are called upon to impose our religious and moral code upon the East."

Again, free education is a mistake and a failure. "The State should supply opportunity for elementary study; but beyond that men should not be pampered into intellectual dawdling, but left, even forced if necessary, to fell the forest and plow the plain."

Yet four pages further on we read:

"India needs engineers, agricultural chemists, archeologists, mining engineers, architects, statisticians, students of hygiene, political economists, scientific farmers."

Does Mr. Collier think these are produced without any higher education? Mr. Collier announces himself early in the book as a Christian, but there is little trace in his book of the great Master who commanded men to love their neighbors as themselves and to resist not him that is evil. A little further on the agnostic is branded as one who "assumes an exaggerated love for humanity as his love for God dwindles." But was it not the Founder of Christianity who taught:

"If a man say I love God and hateth his brother he is a liar; he that loveth not his brother whom he hath seen, how *can* he love God whom he hath not seen?"

The truth is, as has been emphasized for some two thousand years, that the only love of God which means anything at all is the love of mankind; not necessarily the rich, the powerful, the successful, but love of those whom Christ loved, the poor, the humble, the simple, the downtrodden.

Moreover, we cannot agree when Mr. Collier tells us that Indian philosophy of life is indefinite rather than profound. No one really familiar with the "Bhagivadgita" and the "Upanishads" would admit that. We

should like too to dispute the good taste of such descriptions as that of the citizens of Kansas City on pp. 174-5, the overplump countrywoman on p. 464, the American girls and youths on p. 493, and the English widow on p. 330. They do not add to the vitality of the book in any way, and they detract from our confidence in the author's good taste. There is one little coincidence worthy of note: in writing of his stay in Tokio Mr. Collier happens to tell of a Japanese nobleman who exclaimed to him, "What a fine thing if you had in your country a descendant of George Washington!" It just happens that right there in Tokio lives a direct descendant of George Washington's brother Lawrence, St. George Tucker, president of St. Paul's College, a great linguist, a wise and learned man, highly respected and very influential, practising many of the great qualities, renunciation, restraint, disinterested love of humanity and liberty of our country's father and his ancestor's brother. It would have been a good deed to have introduced this particular Japanese nobleman to Mr. St. George Tucker.

One's admiration for this book will necessarily depend upon one's agreement with Mr. Collier's point of view, for he has no gentle persuasions to waste on his opponents. If one can believe with Mr. Collier that carelessness with money is a worse crime than carelessness of humanity and human happiness, that the strong and successful man is justified in taking all he can get and holding it, that the political and personal liberty of women would result in "a vocal and physical protest such as no mutiny even can parallel," that might is right, and material gains success, that Christ and Christianity are "ethical luxuries," then the book will make a strong appeal.

It is said that the measure of the vitality of a book is the amount of contradiction it provokes. If this be so, Mr. Collier's book is keenly alive, for we should like to challenge him at every page and talk back.

An Oberland Chalet. By Edith Elmer Wood. New York: Wessells Bissell Co., 1910.

The spirit of a writer does so betray itself in a book that one wonders sometimes how an evil or a greedy or an irascible person dare proclaim himself aloud to the world in a book. The interesting part of *An Oberland Chalet* is that Mrs. Wood must be such a jolly person to know—honest, sincere, buoyant, observant, fond of adventure. One enjoys her book as one would enjoy her society. She would need only to send a telegram and a proposal to one to go anywhere, for him to pack up a satchel and be ready. There would be no question of the delight of the companionship. This is the simplest, most unpretentious, most unstudied travel-book of the year, and the most readable and pleasant. It has all the charm of familiar and friendly letters; such letters, alas! as no one writes nowadays. It is a book to read from cover to cover without a yawn, and it leaves one with some such sense of fresh air and wide horizons that the great out-of-doors books give us: *Lavengro Selborne, Walden, Pepacton,* etc.

Mrs. Wood settles herself and family, a mother, a sister-in-law, a nurse, two babies, a brother from college, and a brother's friend in a little chalet of the better type—"exactly like the toothpick boxes"—of a Frau Se-

cundärlehrer, about a mile and a half from the Grindelwald station on the road to the upper glacier. From here the whole family picnicked, and the four more vigorous members went off on walking-tours. Evidently economy was a factor in Mrs. Wood's outings and the accounts are frankly kept for our benefit. The walking-tours are not the conventional ones from great hotel to fashionable inn, but record careful bargaining at out-of-the-way stops; the roads are conscientiously dealt with, and who will take down a map and follow may get detailed information as to how to spend a delightful, happy, inexpensive summer walking through Switzerland. The jaunt down into Italy is described with particular vim and charm. It may be added that all the personalities who belonged to Mrs. Wood's party are of those healthy, buoyant, cultivated Americans whose simplicity, sincerity, and determination to know and enjoy the best of this world make them the most delightful traveling companions in the world. So many folk nowadays plume themselves upon pointing out and describing the new rich American horde overrunning Europe in the summer, and the old-fashioned Daisy Miller type who still seem to abound on the boats that run the length of Lake Geneva, one cannot be too grateful for an author who shows us the best type, the most truly successful and valuable type of American citizen.

VENICE IN THE EIGHTEENTH CENTURY. TRANSLATED FROM THE FRENCH OF PHILIPPE MONNIER. By RICHARD G. BADGER. Boston: The Gorham Press, 1910.

There are so many questions the reviewer would enjoy putting to the publishers. One of these is why translations are never done by people who know English as well as the language from which they are translating. The present volume bears on the face of it proof that the translator, whose name is not given, was inadequately instructed in French and English. He is evidently at a loss for a translation of such words as "L'Anonyme," and prints it in the French as if it were a proper name; *chevaliers servants* again stands untranslated; also "*Checa la Pouine*," "*en gamberlugue*," "*devotées*," "*seigneur*," etc. Now and then the translator makes a literal translation from the French which is thoroughly funny in English, as: "Had I known you sooner what *a* lovely offspring had been mine"; "Ancilla receives President de Brosses, *disguised* as the Venus of Medici"; the children in the family "are called by their *short* names" for nicknames. The sense of many of the sentences is lost by the author's inability to turn the French structure into the English idiom. And surely a sense of humor is lacking in the translator who writes of "purpled senators." One wonders if the translator had any idea what he meant when he set down proper names such as Mezzetino, Truffaldino, without capitals, left the word *cyme* untranslated and wrote of a gallant sitting beneath a quincunx quite as if this were the name of a tree. The translator should be referred to Sir Thomas Browne's interesting treatise on the properties of the *Quincunxial Lozenge*. Again, *pantalon* is not an English word, nor is it English to translate a week and a fortnight, eight days and fifteen days, while "Ange Goudar" evidently should have been Angelo Goudar. While it was permissible for Philippe Monnier, writing in French of Italian things, to retain such words and phrases as *Ciocciari* and *cura-gattoli*, it

behooved the English translator to find an English equivalent if the book is not to look like a hodge-podge in three languages.

Philippe Monnier's book is full of charm and atmosphere, but both are lost in the ignorant translation. The book is handsomely bound and has a lovely photogravure of Tiepolo's "Portrait of a Page" as frontispiece.

Cathedrals of Spain. By John A. Gade. Boston and New York: Houghton Mifflin Company, 1911.

Spain has been subjected to a great many travel-books in the last ten years, and those of 1911 must stand comparison with some very excellent recent work. Royal Tyler's volume of last year was incomparably finer than the one under present consideration. Indeed, Mr. Gade's book is largely made out of Street's fine book, *Gothic Architecture in Spain.* The volume is, however, handsome, the photographs are fairly good, and Mr. Gade is a careful and conscientious observer.

If the book could be published in a small and portable form it would serve as a handy commentary to the ordinary guide-book. It is questionable whether a volume of mere architectural detail such as this is for reading. It is valuable as indicating minute points to the traveler, and good for reference and for refreshing the memory of one who has seen and enjoyed. Otherwise the volume is chiefly commendable as a pleasant-looking volume to lay on the drawing-room table. The plans of the cathedrals are good, but a few pen-and-ink drawings of details and interiors would have added immeasurably to the value of the volume. It contains studies of the cathedrals of Avila, Salamanca, the older and younger, Burgos, Toledo, Leon, Segovia, Seville and Granada. Santiago da Compostella, Barcelona, Gerona, Lerida, Tudela were omitted to avoid bulk.

Sea Wolves of the Mediterranean. By Commander E. Hamilton Currey, R.N. New York: E. P. Dutton & Co., 1910.

Oddly enough, theoretical knowledge of a subject does not always mean correct execution. Mr. Currey, in the Preface to the present book, writes: "If this book possesses one supreme qualification, she [*sic*] will escape the fate mentioned, and this quality is—interest." The subject is one to stir the blood and fire the imagination. Those Sea Wolves of the Mediterranean who preceded the buccaneers of the Spanish Main in the seventeenth century, desperate fighters, fearless seamen, ruthless adventurers that they were, should make a book to satisfy the palate of the ten-year-old boy and the *blasé* woman who wants to be transported from the drab drudgery of every day to a more colored and excited atmosphere. Alas! Mr. Currey has gathered his data with conscientious industry, but the trailing clouds of glory, which alone can vivify a past time and set it living before one, are not to hand. The book deals with the lives, battles, and deaths of Uruj and Kheyr-el-Din Barbarossa, with Andrea Doria, the Sultana Roxalana with her romantic and evil story, Dragut-Reis, "that corsair odious to God and man," his experiences as a galley slave and his ransom after four years' captivity, the Knights of St. John, the siege of Malta, Ali Basha of Algiers, the great battle of Sepanto—these should have made a thrilling book. Had Kipling handled this material or any

literary artist with a sense of omission and amplification, what a book we should have had! But, unfortunately, industry will not do in place of inspiration, and we have only a good book to refer to when memory plays one false as to times, places, battles, and characters. The pictures are rare and inspiring. That one of a galley, gaily flagged, of the Knights of Malta is enough in itself to set the imagination roving in past ages and wild seas, with fearless fighters and conscienceless pirates. Another splendid picture is that of Jean Parisot de la Valette, Grand Master of the Knights of Malta in 1565, with his beautiful armor, plumed helmet, and his white-crossed gown. What insight into primitive ways of fighting one gets from the picture of a *Brigantin donnant chasse a une Féloque, et prest à l'aborder.* Mr. Currey does not tell us where he got all his fascinating old prints, but for two of the best he returns thanks to Mr. Salvino Sant Manduca, of Malta. The book is beautifully bound and printed, a service always rendered by Messrs. Dutton & Co., and one for which the reading public cannot be too grateful. The facts gathered in the book, and the interesting and beautiful pictures, make this *divertissement* of an English naval officer well worth owning.

In and Out of Florence. By Max Vernon. New York: Henry Holt & Co., 1910.

This is another entirely unpretentious yet readable and valuable record of a year spent in Florence and in excursions about the neighborhood. It is the more instructive that it aims at being nothing more than a very simple account of personal experience. One gains a real insight into the difficulties of housekeeping in Florence, the charm and delight of living in a rented villa, and the simple heavenliness of Italian servants. The wonder of the gardens is shown in the illustrations, the cool, steeple-like cypresses, the old gray stone walls with lovely iron lace-work gates let in, the gray, twisted olive-orchards, the climbing vines and tiny jutting balconies. Fancy being able to chronicle of one's cook, "She revealed herself no less a woman of heart and wit and beautiful devotion than an excellent cook and a willing slave to our every need," as well as having "an insatiable mania for polishing." Such people make the real joy of living with their cheery pleasure in personal service, and apparently there are none left except in Italy. For any one intending to live in Italy nothing could be better than the accounts given here of marketing, housekeeping, gardening, the village, and the village fair. The small churches of Florence also receive careful and abundant attention, and one very delightful and rare chapter treats of the hillside sculptors, those workmen who set up sheds near the quarries and who, having begun as simple stone-masons, graduated as skilled and endowed sculptors. Mino da Fiesole, Benedetto da Maino, Desiderio da Settignano, the brothers Rossellini, Benedetto da Rovezzano, are among this primitive hillside school of sculpture. There is a valuable chapter on shopping and a charming incident related of the order given an obscure wood-carver for a pair of bellows with sea-horses on the sides. The wood-carver had many doubts as to the general appearance of sea-horses, and the patron was surprised a few days later to receive the bellows with sea-horses in relief of surprising accuracy and beauty. The very fin rays were numbered to the actuality. An authority could have named

the species. The price was eleven francs—a little over two dollars—and for this sum the carver had gone to the public library and worked over all the books and prints of sea-horses. Still feeling dissatisfied with his knowledge, he went to the Natural History Museum and demanded a sight of the *cavallo del mare*. The professor in charge, understanding the dilemma, kindly lent him the museum sea-horse to keep at his shop until his sea-horses should be done. One can only comment, upon reading of such fidelity to ideals, trust, kindliness, interest, and ability, that probably real heaven is in the neighborhood of Florence, Italy, and if we are really good we shall all go there when we die.

Royal Palaces and Parks of France. By Francis Miltoun. Illustrated by Blanche McManus. Boston: L. C. Page & Company, 1910.

While by no means exhaustive nor intended so to be, this book of Mr. Miltoun's gives quite a comprehensive idea of certain palaces and gardens of France. Art knows nothing of good intentions and must always be judged by its achievements or not at all; but in the making, as in the consideration, of books credit may be justly given for intentions and due allowance be made for possible shortcomings, for books of travel are not to be taken too seriously nor called to too rigorous an account. Mr. Miltoun's work, with Miss McManus's ample illustrations, ought to whet the appetite of those who have *not* seen France and to fix the places described more firmly in the memory of those who have. An indefatigable sight-seer, the author's enthusiasm and deep interest lend a pleasant warmth and color to what might be otherwise occasionally dry, though necessary, details. Gardens and palaces are fully described, while much information of various kinds is interwoven with the descriptions. Of course with the wealth of material that such a subject affords any writer might be pardoned for being sometimes at a loss to know just what to include or what to omit. But there are times when Mr. Miltoun's pages read like the jottings from a note-book that has not been well and sufficiently sifted and diligently revised and filled in. Owing to haste or inadvertence, for instance, Catherine de Medici is made to live in 1650 (page 247) when obviously *Marie* de Medici is meant. This is merely noted in passing, since in a work of this kind accuracy of detail and definite chronological arrangement are indispensable. Then the English, too, both in construction and in clarity, is not always such as a reader may reasonably ask. This passage by way of example: "The regent journeyed out from Paris to this riverside retreat to receive the Tsar Peter in 1717, and in 1752 Louis Philippe d'Orléans set about to give a fête which should obscure the memory of all former events of a like nature into oblivion."

Surely this is far from idiomatic English, nor could it easily be translated into good French; and in many places there are sentences that read as if hurriedly translated into Gallicized English: "The gardens of the Gothic era seldom surpassed the enclos with a rivulet passing through it, a spring, a pine-tree giving a welcome shade, some simple flowers, and a verger of fruit-trees."

Apparently what the author intends is: "The gardens of the Gothic era seldom included more than the close or park with a rivulet passing through it, a spring, a pine-tree giving a welcome shade, some simple flowers, and

an orchard." For what is verger if not an orchard? But this is another sentence that conveys the hurried note-book effect. In his preface the author says: "Mere historic fact has been subordinated as far as possible to a recital of such picturesque incidents of the life of contemporary times as the old writers have handed down to us and a complete chronological review has in no manner been attempted."

But as truth is sometimes stranger than fiction, so history is sometimes more romantic than romance. One of the best descriptions of Chantilly, for instance, is contained in a letter of Madame de Sévigné's, wherein she tells of a magnificent fête which was there given to Louis XIV and the Court. On this momentous occasion the fish did not come in time and Vatel, Condé's famous *chef*, in an agony of mortification, committed suicide. That letter gives a fuller and better idea of the Court, its life, and atmosphere, together with the pomp of circumstance of a great noble, than do dozens of guide-books and books of travel. For one must go to the times themselves in order to know the times. Mr. Miltoun's book, with its historic palaces and abundant and handsome illustrations "reproduced from paintings made on the spot," may well serve as a pleasant introduction to deeper and more comprehensive study. This book has the advantage of an excellent index.

"UNDER WESTERN EYES"*

BY JOSEPH CONRAD

CHAPTER XII—*(Continued)*

Nikita surnamed Necator, with a sinister aptness of alliteration! Razumov had heard of him. He had heard so much, since crossing the frontier, of these celebrities of the militant revolution: the legends, the stories, the authentic chronicle, which now and then peeps out before a half-incredulous world. Razumov had heard of him. He was supposed to have killed more gendarmes and police agents than any revolutionist living. He had been intrusted with executions. That paper with the letters N. N., the very pseudonym of murder found pinned on the stabbed breast of a certain notorious spy (that picturesque detail of a sensational murder case had got into the newspapers), was the mark of his handiwork. "By order of the Committee. N. N." A corner of the curtain lifted to strike the imagination of the gaping world. He was said to have been innumerable times in and out of Russia, the Necator of bureaucrats, of provincial governors, of obscure informers. He lived between whiles, Razumov had heard, on the shores of the Lake of Como, with a charming wife devoted to the cause, and two young children. But how that creature so grotesque as to set all the town dogs barking at its mere sight could go about on those deadly errands and slip through the meshes of the police!

"What now, what now?" the voice squeaked. "I am only sincere. It's not denied that the other was the originator, the leading spirit. Well, it would have been better if he had been the one spared to us. More useful. I am not a sentimentalist. Say what I think . . . only natural."

Squeak, squeak, squeak without a gesture, without a stir—the horrible squeaked burlesque of professional jealousy—this man of a sinister alliterative nickname, this executioner of revolutionary verdicts, the terrifying "N.N." exasperated like a fashionable tenor by the attention attracted to the performance of an obscure amateur. Sofia Antonovna shrugged her shoulders. The comrade with the martial red mustache hurried toward Razumov full of conciliatory intentions in his strong, buzzing voice.

"Devil take it! And in this place, too, in the public street, so to speak. But you can see yourself how it is. One of his fantastic sallies. Absolutely of no consequence."

"Pray don't concern yourself," cried Razumov, going off into a long fit of laughter. "Don't mention it."

The other—his hectic flush crimson like a pair of burns on his cheek-

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bones—stared for a moment and suddenly burst out laughing, too. Razumov, whose hilarity died out all at once, made a step forward.

"Enough of this," he began in a clear, incisive voice, though he had discovered that he could hardly control the trembling of his legs. "I will have no more of it. I shall not permit any one. . . . I can see very well what you are at with those allusions. . . . Inquire, investigate! I defy you, but I will not be played with."

He had heard these words before. He had been driven to cry them out in the face of other suspicions. It was an infernal cycle bringing round that protest like a fatal necessity of his existence. But it was no use. He would be always played with. Luckily life does not last forever.

"I won't have it," he shouted, striking his fist into the palm of his other hand.

"Kirylo Sidorovitch—what has come to you?" The woman revolutionist interfered with authority. They were all looking at Razumov now, each as this fierce outburst had found them in a scattered group; only the slayer of spies and gendarmes had turned about, presenting his enormous stomach in full like a shield.

"Don't shout. There are people passing." Sofia Antonovna was apprehensive of another outburst. A steam-launch from Monrepos side had come to the landing-stage across the road, and, its hoarse whistle and the churning noise alongside all unnoticed, had landed a small bunch of local passengers who were dispersing their several ways. Only a specimen of early tourist in knickerbockers, conspicuous by a brand-new yellow leather glass-case, hung about for a moment, scenting something unusual about these four people within the rusty iron gates of what looked the grounds run wild of an unoccupied private house. Ah! if he had only known what the chance of commonplace traveling had suddenly put in his way! But he was a well-bred person; he averted his gaze and moved off with short steps along the side alley, on the watch for a tram-car.

A gesture from Sofia Antonovna, "Leave him to me," had sent the two men away, the buzzing of the inarticulate voice growing fainter and fainter, and the thin pipe of "What now! What now!" reduced to the proportions of a squeaking toy by the distance. They had left him to her. So many things could be left safely to the experience of Sofia Antonovna. And at once her black eyes turned to Razumov; her mind tried to get at the heart of that outburst. It had some meaning. No one is born an active revolutionist. The change comes disturbingly with the force of a sudden vocation, bringing in its train the agonizing doubts of a renegade and the assertive violences of a convert, an unstable state of the soul, till the final appeasement in a perfect fierceness of conviction. She had seen—often had only divined—scores of these young men and young women going through an emotional crisis. This young man looked like a moody egotist. And, besides, it was a special—a unique case. There was something cautious in the tone of her warning speech.

"Take care, Razumov, my good friend. If you carry on like this you will go mad. You are angry with everybody and bitter with yourself and on the lookout for something to torment yourself with. . . ."

"It's intolerable!" Razumov could only speak in gasps. "You must admit that I can have no illusions on the attitude . . . which . . . it isn't clear . . . or rather . . . only too clear."

Here his voice failed him altogether, and he made a gesture of despair. For it was not his courage that failed him. The choking fumes of falsehood had taken him by the throat—the thoughts of being condemned to struggle on and on in that tainted atmosphere without the hope of ever renewing his strength by a breath of fresh air.

"A glass of cold water is what you want." Sofia Antonovna glanced up the grounds at the house and shook her head, then out of the gate at the brimful placidity of the lake. With a half-comical shrug of the shoulders she gave the remedy up in the face of that abundance.

"It is you, my dear soul, who are flinging yourself at something which does not exist. What is it? Self-reproach—or what? It's absurd. You couldn't have gone and given yourself up because he was taken."

She spoke reasonably, at some length, too. Razumov had nothing to complain of in his reception. Everybody was discussed more or less. Everybody had to be thoroughly understood before being accepted. No one that she could remember had been shown from the first so much confidence. Soon, very soon, perhaps sooner than he expected, he would be given an opportunity to show his devotion to the sacred task of crushing the infamy.

Razumov, listening quietly, thought: "It may be that she is trying to lull my suspicions to sleep. On the other hand, it's obvious that most of them are fools." He moved aside a couple of paces and, folding his arms on his breast, leaned back against the stone pillar of the gate.

"As to what remains obscure in the fate of that poor Haldin . . ." Sophia Antonovna dropped into a slowness of utterance which was to Razumov like the falling of molten lead drop by drop. "As to that—though no one ever hinted that either from fear or neglect your conduct has not been what it should have been—well, I have a bit of intelligence. . . ."

Razumov could not prevent himself from raising his head, and Sofia Antonovna nodded slightly.

"I have. You remember that letter from Petersburg?"

"The letter? Perfectly. Some busybody has been reporting my conduct on a certain day. It's rather sickening. I suppose our police is greatly edified when they open these interesting and—and—superfluous letters."

"Oh, dear, no! The police does not get hold of our letters so easily as you imagine. As to the letter in question, that did not leave Petersburg till the ice broke up. It went by the first English steamer which left the Neva this spring. They have a fireman on board—one of us, in fact. It has reached me from Hull. . . ."

She paused as if she were surprised at the sullen fixity of Razumov's gaze, but went on at once and much faster.

"We have some of our people there who . . . but never mind. The writer of the letter relates an incident which he thinks may possibly be connected with Haldin's arrest. I was just going to tell you when those two men came along."

"That also was an incident," muttered Razumov, "of a very charming kind—for me."

"Leave off that," cried Sofia Antonovna. "Nobody cares for Nikita's barking. There's no malice in him. Listen to what I have to say. You may be able to throw a light. There was in Petersburg a sort of town peasant—a man who owned horses. He came to town years ago to work for some relation as a driver and ended by owning a cab or two. . . ."

She might well have spared herself the slight effort of the gesture. "Wait! . . ." Razumov could not have interrupted her now, not to save his life. The slight contraction of his facial muscles had been involuntary, a mere surface stir, leaving him sullenly attentive as before.

"He was not a quite ordinary man of his class—it seems. The people of the house—my informant talked with many of them—you know, one of those enormous houses of shame and misery. . . ." Sophia Antonovna need not have enlarged on the character of the house. Razumov saw clearly towering at her back a dark mass of masonry veiled in snow-flakes with the long row of windows of the eating-shop shining greasily very near the ground. The ghost of that night pursued him. He stood up to it with rage and with weariness.

"Did the late Haldin ever by chance speak to you of that house?" Sofia Antonovna was anxious to know.

"Yes." Razumov, making that answer, wondered whether he were falling into a trap. It was so humiliating to lie to these people that he probably could not have said "No." "He mentioned to me once," he added, as if making an effort of memory, "a house of that sort. He used to visit some workmen there."

"Exactly."

Sofia Antonovna triumphed. Her correspondent had discovered that fact quite accidentally through the talk of the people of the house, having made friends with a workman who occupied a room there. They described Haldin's appearance perfectly. He brought comforting words of hope into their misery. He came irregularly, but he came very often; and—her correspondent wrote—sometimes he spent a night in the house, sleeping, they thought, in a stable which opened upon the inner yard.

"Note that, Razumov! In a stable."

Razumov had listened with a sort of ferocious, but amused acquiescence.

"Yes; in the straw. It was probably the cleanest spot in the whole house."

"No doubt," assented the woman, with that deep frown which seemed to draw closer together her black eyes in a sinister fashion. No four-footed beast could stand the filth and wretchedness so many human beings were condemned to suffer from in Russia. The point of this discovery was that it proved Haldin to have been familiar with that horse-owning peasant —a reckless, independent, free-living fellow not much liked by the other inhabitants of the house. He was believed to have been the associate of a band of house-breakers. Some of these got captured. Not while he was driving them, however; but still there was a suspicion against the fellow of having given a hint to the police and . . .

The woman revolutionist checked herself suddenly.

"And you? Have you ever heard your friend refer to a certain Ziemianitch?"

Razumov was ready for the name. He had been looking out for the question. "When it comes I shall own up," he had said to himself. But he took his time.

"To be sure!" he began, slowly. "Ziemianitch, a peasant owning a team of horses. Yes. On one occasion. Ziemianitch! Certainly! Ziemianitch of the horses. . . . How could it have slipped my memory like this? One of the last conversations we had together."

"That means"—Sofia Antonovna looked very grave—"that means, Razumov, it was very shortly before—eh?"

"Before what?" shouted Razumov, advancing at the woman, who looked astonished, but stood her ground. "Before— Oh! Of course it was before! How could it have been after? Only a few hours before."

"And favorably?"

"With enthusiasm! The horses of Ziemianitch! The free soul of Ziemianitch."

Razumov took a savage delight in the loud utterance of that name which had never before crossed his lips audibly. He fixed his blazing eyes on the woman till at last her fascinated expression recalled him to himself.

"The late Haldin," he said, holding himself in, with downcast eyes, "was inclined to take sudden fancies to people on—what shall I say—insufficient grounds."

"There!" Sofia Antonovna clapped her hands. "That to my mind settles it. The suspicions of my correspondent were aroused . . ."

"Aha! Your correspondent," Razumov said in an almost openly mocking tone. "What suspicions? How aroused? By this Ziemianitch. Probably some drunken, gabbling, plausible . . ."

"You talk as if you had known him."

Razumov looked up.

"No; but I knew Haldin."

Sofia Antonovna nodded gravely.

"I see. Every word you say confirms to my mind the suspicion communicated to me in that very interesting letter. This Ziemianitch was found one morning hanging from a hook in the stable."

Razumov felt a profound trouble. It was visible, because Sofia Antonovna was moved to observe vivaciously:

"Aha! You begin to see."

He saw it clearly enough—in the light of a lantern casting spokes of shadow in a cellar-like stable, the body in a sheep-skin coat and long boots hanging against the wall. A pointed hood, with the ends wound about up to the eyes, hid the face. "But that does not concern me," he reflected. "It does not affect my position at all. He never knew who had thrashed him. He could not have known." Razumov felt sorry for the old lover of the bottle and women.

"Yes, some of them end like that," he muttered. "What is your idea, Sofia Antonovna?"

It was the idea of her correspondent. Sophia Antonovna had adopted it fully. She stated it in one word—"Remorse." Razumov opened his eyes very wide at that. Sofia Antonovna's informant, by listening to the talk of the house, by putting this and that together, had managed to come very near to the truth of Haldin's relation to Ziemianitch.

"It is I who can tell you what you were not certain of—that your friend had some plan for saving himself afterward, for getting out of Petersburg, at any rate. Perhaps that and no more, trusting to luck for the rest. And that fellow's horses were part of the plan."

"They have actually got at the truth," Razumov marveled to himself while he nodded judicially. "Yes, that's possible, very possible." But the woman revolutionist was very positive. First of all, a conversation about horses between Haldin and Ziemianitch had been partly overheard.

Then there were the suspicions of the people in the house when their "young gentleman" (they did not know Haldin by his name) ceased to call at the house. Some of them used to charge Ziemianitch with knowing something of it. He denied it with exasperation; but the fact was that ever since Haldin's disappearance he was not himself, growing moody and thin. Finally during a quarrel with some woman (to whom he was making up), in which most of the inmates of the house were mixed up, apparently, he was openly abused by his chief enemy, an athletic peddler, for having driven "our young gentleman to Siberia, the same as you did those young fellows who broke into houses." It seems there was a fight in the end, and Ziemianitch got flung down a flight of stairs. Thereupon he drank and moped for a week and then hanged himself.

Sofia Antonovna drew her conclusions from the tale. Either drunken indiscretion as to a driving job on a certain date—overheard by some spy in some low grog-shop—perhaps in the very eating-shop on the ground floor of the house—or, who knows, just a downright denunciation—then remorse. A man like that would be capable of anything. People said he was a flighty old chap. And if he had been once before mixed up with the police—as seemed certain, though he always denied it—in connection with these thieves, he would be sure to be acquainted with some police underlings, always on the lookout for something to report. Possibly at first his tale was not made anything of till the day that scoundrel de P—— got his deserts. Ah! But then every bit and scrap of hint and information would be acted on, and fatally they were bound to get Haldin.

Sofia Antonovna spread out her hands—"Fatally."

Fatality—chance! Razumov meditated in silent astonishment upon the queer verisimilitude of these inferences. They were obviously to his advantage.

"It is right now to make this conclusive evidence known generally." Sofia Antonovna was very calm and deliberate again. She had received the letter three days ago, but did not write at once to Peter Ivanovitch. She knew then that she would have the opportunity presently of meeting several men of action assembled for an important purpose.

"I thought it would be more effective like that. I could show the letter itself at large. I have it in my pocket now. You understand how pleased I was to come upon you."

Razumov was saying to himself: "She won't offer to show the letter to me. Not likely. Has she told me everything that correspondent of hers has found out? . . ." He would have liked to see the letter, but he felt he must not ask.

"Tell me, please, was this an investigation ordered, as it were? . . ."

"No, no," she protested. "There you are again with your sensitiveness. It makes you stupid. Don't you see there was no starting-point for an investigation even if any one had thought of it? A perfect blank! That's exactly what some people were pointing out as the reason for receiving you cautiously. It was all perfectly accidental, arising from my informant striking an acquaintance with an intelligent skin-dresser lodging in that particular slum-house. A wonderful coincidence!"

"A pious person," suggested Razumov, with a pale smile, "would say that the hand of God has done it all."

"My poor father would have said that." Sofia Antonovna did not

smile. She dropped her eyes. "Not that his God ever helped him. It's a long time since God has done anything for the people. Anyway, it's done."

"All this would be quite final," said Razumov, with every appearance of reflective impartiality, "if there was any certitude that the 'our young gentleman' of these people was Victor Haldin. Have we got that?"

"Yes. There's no mistake. My correspondent was as familiar with Haldin's personal appearance as with your own," the woman affirmed, decisively.

"It's the red-nosed fellow beyond a doubt," Razumov said to himself, with reawakened uneasiness. Had his own visit to that accursed house passed unnoticed? It was barely possible. Yet it was hardly probable. It was just the right sort of food for the popular gossip that gaunt busybody had been picking up. But the letter did not seem to contain any allusion to that. Unless she had suppressed it. And if so — why? If it had really escaped the prying of that hunger-stricken democrat with a confounded genius for recognizing people from description, it could be only for a time. He would come upon it presently and hasten to write another letter—and then!

For all the envenomed recklessness of his temper, fed on hate and disdain, Razumov shuddered inwardly. It guarded him from common fear, but it could not defend him from disgust at being dealt with in any way by these people. It was a sort of superstitious dread. Now, since his position had been made more secure by their own folly at the cost of Ziemianitch, he felt the need of perfect safety, with its freedom from direct lying, with its power of moving amongst them silent, unquestioning, listening, impenetrable, like the very fate of their crimes and their folly. Was this advantage his already? Or not yet? Or never would be?

"Well, Sofia Antonovna"—his air of reluctant concession was genuine in so far that he was really loath to part with her without testing her sincerity by a question it was impossible to bring about in any way—"well, Sofia Antonovna, if that is so, then . . ."

"The creature has done justice to himself," the woman observed, as if thinking aloud.

"What? Ah, yes! Remorse," Razumov muttered, with equivocal contempt.

"Don't be harsh, Kirylo Sidorovitch, if you have lost a friend." There was no hint of softness in her tone, only the black glitter of her eyes seemed detached for an instant from vengeful visions. "He was a man of the people. The simple Russian soul is never wholly penitent. It's something to know that."

"Consoling?" insinuated Razumov in a tone of inquiry.

"Don't rail," she checked him, sharply. "Remember, Razumov, that women, children, and revolutionists hate irony, which is the negation of all saving instincts, of all faith, of all devotion, of all action. Don't rail! Don't . . . I don't know how it is, but there are moments when you are abhorrent to me. . . ."

She averted her face. A languid silence, as if all the electricity of the situation had been discharged in this flash of passion, lasted for some time. Razumov had not flinched. Suddenly she laid the tips of her fingers on his sleeve.

"Don't mind."

"I don't mind," he said, very quietly.

He was proud to feel that she could read nothing on his face. He was really mollified, relieved, if only for a moment, from an obscure oppression. And suddenly he asked himself: "Why the devil did I go to that house? It was an imbecile thing to do."

A profound disgust came over him. Sofia Antonovna lingered, talking in a friendly manner with an evident conciliatory intention. And it was still about the famous letter, referring to various minute details given by her informant. That last had never seen Ziemianitch. The "victim of remorse" had been buried several weeks before her correspondent began frequenting the house. It—the house—contained very good revolutionary material. The spirit of the heroic Haldin had passed through these dens of black misery with a promise of universal redemption from all the miseries that oppress mankind. Razumov listened without hearing, gnawed by the new-born desire of safety with its dependence from that degrading method of direct lying which at times he found it almost impossible to practise.

No; the point he wanted to hear about could never come into this conversation. There was no way of bringing it forward. He regretted not having composed a perfect story, for use abroad, in which his fatal connection with the house might have been owned up to. But he did not know then that Ziemianitch had hanged himself. And, anyway, who could have foreseen this woman's "informant" stumbling upon that particular slum, of all the slums awaiting destruction in the purifying flame of social revolution? Who could have foreseen? Nobody! "It's a perfectly diabolic surprise," thought Razumov, calm-faced in his attitude of inscrutable superiority nodding assent to Sofia Antonovna's remarks upon the psychology of the "people." "Oh yes"—"certainly"—rather coldly, but with a nervous longing in his fingers to tear some sort of confession out of her throat.

Then, at the very last, on the point of separating, the feeling of relaxed tension already upon him, he heard Sofia Antonovna allude to the subject of his uneasiness. How it came about he could only guess, his mind being absent at the moment, but it must have sprung from Sofia Antonovna's complaint about the illogical absurdity of the people. For instance, that Ziemianitch was looked upon as notoriously irreligious, and yet in the last weeks of his life he suffered from the notion that he had been beaten by the devil.

"The devil," repeated Razumov, as though he had not heard aright.

"The actual devil. The devil in person. You may well look astonished, Kirylo Sidorovitch. Early on the very night poor Haldin was taken, a complete stranger turned up and gave Ziemianitch a most fearful thrashing while he was lying dead drunk in the stable. He was barely able to crawl about for the next few days. The wretched creature's body was one mass of bruises. He showed it to the people in the house."

"But you, Sofia Antonovna, you don't believe in the actual devil?"

"Do you?" retorted the woman, curtly. "Not but that there are plenty of men worse than devils to make a hell of this earth," she muttered to herself.

Razumov watched her, vigorous and white-haired, with the deep fold

between her thin eyebrows and her black glance turned idly away. It was obvious that she did not make much of the story—unless, indeed, this was the perfection of duplicity. . . . "A dark young man," she explained further. "Never seen there before, never seen afterward. Why are you smiling, Razumov?"

"At the devil being still younger after all these ages," he answered, composedly. "But who was able to describe him, since the victim, you say, was dead drunk at the time?"

"Oh, the eating-house keeper has described him. An overbearing, swarthy young man in a student's cloak, who came rushing in, demanded Ziemianitch, beat him furiously, and rushed away without a word, leaving the eating-house keeper paralyzed with astonishment."

"Does he, too, believe it was the devil?"

"That I can't say. I am told he's very reserved on the matter. Those sellers of spirits are great scoundrels generally. I should think he knows more of it than anybody."

"Well, and you, Sofia Antonovna, what's your theory?" asked Razumov in a tone of great interest. "Yours and your informant's, who is on the spot."

"I agree with him. Some police hound in disguise. Who else would beat a helpless man so unmercifully? As for the rest, if they were out that day on every trail, old and new, it is probable enough that they might have thought it just as well to have Ziemianitch at hand for more information, or for identification, or what not. Some scoundrelly detective was sent to fetch him along, and, being vexed at finding him so drunk, broke a stable-fork over his ribs. Later on, after they had the big game safe in the net, they troubled their heads no more about that peasant."

Such were the last words of the woman revolutionist in this conversation, keeping so close to the truth, departing from it so far in the verisimilitude of thoughts and conclusions as to give one the notion of the invincible nature of human error, a glimpse into the utmost depths of self-deception. Razumov, after shaking hands with Sofia Antonovna, left the grounds, crossed the road, and, walking out on the little steamboat pier, leaned over the rail.

His mind was at ease, such as he had not known for many days, ever since that night . . . the night. The conversation with the woman revolutionist, taking that unexpected turn, had given him the view of his danger at the very moment this danger vanished characteristically enough. "I ought to have foreseen the doubts that would arise in those people's minds," he thought. Then his attention being attracted by a stone of peculiar shape which he could see clearly lying at the bottom, he began to speculate as to the depth of water in that spot. But very soon, with a start of wonder at this extraordinary instance of ill-timed detachment, he returned to his train of thought. "I ought to have told very circumstantial lies from the first," he said to himself, with a mortal distaste of the mere idea which silenced his mental utterance for quite a perceptible interval. "Luckily that's all right now," he reflected, and after a time spoke to himself half aloud, "Thanks to the devil," and laughed a little.

The end of Ziemianitch then arrested his wandering thoughts. He was not exactly amused at the interpretation, but he could not help detecting in it a certain piquancy. He owned to himself that, had he known of that

suicide before leaving Russia, he would have been incapable of making such excellent use of it for his own purposes. He should have felt infinitely obliged to the fellow with the red nose for his patience and ingenuity. "A wonderful psychologist apparently," he said to himself, sarcastically. Remorse, indeed! It was a striking example of your true conspirator's blindness, of the stupid subtlety of people with one idea. This was a drama of love, not of conscience, Razumov continued to himself, mockingly. A woman the old fellow was making up to! A robust peddler, clearly a rival, throwing him down a flight of stairs. . . . And at sixty, for a lifelong lover, it was not an easy matter to get over. That was a feminist of a different stamp from Peter Ivanovitch. Even the comfort of the bottle might conceivably fail him in this supreme crisis. At such an age nothing but a halter could cure the pangs of an unquenchable passion. And, besides, there was the wild exasperation aroused by the unjust aspersions and the contumely of the house, with the maddening impossibility to account for that mysterious thrashing added to these simple and bitter sorrows. "Devil, eh?" Razumov exclaimed, with mental excitement as if he had made an interesting discovery. "Ziemianitch ended by falling into mysticism. So many of our true Russian souls end in that way! Very characteristic." He felt pity for Ziemianitch, a large, neutral pity, such as one may feel for an unconscious multitude, a great people seen from above like a community of crawling ants working out its destiny. It was as if this Ziemianitch could not possibly have done anything else. And Sofia Antonovna's cock-sure and contemptuous "some police hound" was characteristically Russian in another way. But there was no tragedy there. This was no drama of revolt and repression, but a comedy of errors. It was as if the devil himself were playing a game with all of them in turn. First with him, then with Ziemianitch, then with those revolutionists. For obviously Sofia Antonovna could not have said anything else. The devil's own game this . . . He interrupted his earnest mental soliloquy with a jocular thought at his own expense. "Here I am falling into mysticism, too."

His mind was more at ease than ever. Turning about, he put his back against the rail comfortably. "All this fits with marvelous aptness," he continued to think. "The brilliance of my reputed exploit is no longer darkened by the fate of my supposed colleague. The mystic Ziemianitch accounts for that. An incredible chance has served me. No more need of lies. I shall have only to listen and to keep my scorn from getting the upper hand of my caution."

He sighed, folded his arms, his chin dropped on his breast, and it was a long time before he started forward from that pose, with the idea that he had made up his mind to do something that day. What it was he could not immediately recall; yet he made no effort of memory, for he was uneasily certain that he would remember presently.

He had not gone more than a hundred yards toward the town when he slowed down, almost faltered in his walk, at the sight of a figure walking in the contrary direction draped in a cloak under a soft, broad-brimmed hat, picturesque but diminutive, as if seen through the big end of an opera-glass. It was impossible to avoid that man, for there was no issue for retreat.

"Another one going to that mysterious meeting," thought Razumov.

He was right in his surmise—only *this* one, unlike the others who came from a distance, was known to him personally. Still, he hoped to pass on with a mere bow, but it was impossible to ignore the little, thin hand, with hairy wrist and knuckles protruded, in a friendly wave from under the folds of the cloak worn Spanish-wise in disregard of a fairly warm day, a corner flung over the shoulder.

"And how is Herr Razumov?" sounded the greeting in German, by that alone made more odious to the object of the affable recognition. At closer quarters the diminutive personage looked like a reduction of an ordinary-sized man, with a lofty brow bared for a moment by the raising of the hat, the great pepper-and-salt full beard spread over the proportionally broad chest. A fine, bold nose jutted over a thin mouth hidden in the mass of fine hair. All this—accented features, strong limbs in their relative smallness—appeared delicate without the slightest sign of debility. The eyes alone, almond-shaped and brown, were too big and as if misty, with the whites slightly bloodshot by too much pen labor under a lamp. The obscure celebrity of the tiny man was well known to Razumov. Polyglot, of unknown parentage, of indefinite nationality, anarchist with a pedantic and ferocious temperament, and an amazingly inflammatory turn for invective, he was a power in the background, this violent pamphleteer, clamoring for revolutionary justice, this Julius Laspara, editor of the *Living Word,* confidant of conspirators, indicted of sanguinary menaces and manifestoes, suspected of being in the secret of every plot. Laspara lived in the old town, in a somber, narrow house left him by some naïve middle-class admirer of his humanitarian eloquence. His two daughters overtopped him head and shoulders; and a pasty-faced, lean boy of six, languishing in the dark rooms in blue cotton overalls and clumsy boots, might have belonged to either one of them or to neither. No stranger could tell. Julius Laspara, no doubt, knew which of his girls it was who, after casually vanishing for a few years, had as casually returned to him possessed of that child; but with admirable pedantry he had refrained from asking her for details; no, not so much as the name of the father, because maternity should be an anarchist function. Razumov had been admitted twice to that suite of several small dark rooms on the top floor, dusty window-panes, litter of all sorts of sweepings all over the place, half-full glasses of tea forgotten on every table, the two Laspara daughters prowling about enigmatically silent, misty-eyed like the father, corsetless, and generally in their want of shape and the disorder of their rumpled attire resembling old dolls, the great but obscure Julius, his feet twisted round his three-legged stool, always ready to receive the visitors, the pen instantly dropped, the body screwed round with a striking display of the lofty brow and of the great, austere beard. When he got down from his stool, it was as though he had descended from the heights of Olympus. He became dwarfed by his daughters, by the furniture, by any caller of ordinary stature. But he very seldom left it, and still more rarely was seen walking abroad in broad daylight.

It must have been some matter of serious importance which had driven him out in that direction that afternoon. Evidently he wished to be amiable to that young man whose arrival had made some sensation in the world of political refugees. In Russian now, which he spoke as he spoke and wrote in four or five other European languages without distinction

and without force (other than that of sustained invective), he inquired if Razumov had taken his inscriptions at the university as yet.

And the young man, shaking his head negatively: "There's plenty of time for that. But meantime are you not going to write something for us?"

He could not understand how any one could refrain from writing on anything—social, economic, historical—anything. Any subject could be treated in the right spirit and for the ends of social revolution. And, as it happened, a friend of his in London had got in touch with a review of advanced ideas. . . . "We must educate, educate everybody—develop the great thought of absolute liberty and of revolutionary justice."

Razumov muttered rather surlily that he did not even know English.

"Write in Russian. We'll have it translated. There can be no difficulty. Why, without seeking further, there is Miss Haldin. My daughters go to see her sometimes. You know the sister. . . ." He nodded significantly. "She does nothing—has never done anything in her life. She would be quite competent with a little assistance. Only write. You know you must. And so good-by for the present."

He raised his arm and went on. Razumov backed against the low wall, looked after him, spat violently, and went on his way with an angry mutter, "Cursed Jew!"

He did not know anything about it. Julius Laspara might have been a Transylvanian, a Turk, an Andalusian, or a citizen of one of the Hanse towns, for anything he could tell to the contrary. But this is not a story of the West, and this exclamation must be recorded accompanied by the comment that it was merely an expression of hate and contempt, best adapted to the nature of the feelings Razumov suffered from at the time. He was boiling with rage as though he had been grossly insulted. He walked as if blind, following instinctively the shore of the diminutive harbor along the quay, through a prettily dull garden where dull people sat on chairs under the trees, till, his fury abandoning him, he discovered himself in the middle of a long, broad bridge. He slowed down at once; to his right, beyond the toy-like jetties, he saw the green slopes framing the Petit Lac in all the marvelous banality of the picturesque made of painted cardboard, with the more distant stretch of water inanimate and shining like a piece of tin.

He turned his head away from that view for the tourists and walked on slowly, his eyes fixed on the ground. One or two persons had to get out of his way, and then turned round to give a surprised stare to his profound absorption. The insistence of the celebrated subversive journalist rankled in his mind strangely. Write. Must write! He! Write! A sudden light flashed upon him. To write was the very thing he had made up his mind to do that day. He had made up his mind irrevocably to that step and then had forgotten all about it. That incorrigible tendency to escape from the grip of the situation was fraught with serious danger. He was ready to despise himself for it. What was it? Levity or deep-seated weakness? Or an unconscious dread? . . .

"Is it that I am shrinking? . . . It can't be! It's impossible! To shrink now would be worse than moral suicide—it would be nothing less than moral damnation," he thought. "Is it possible that I have a conventional conscience?"

He rejected that hypothesis with scorn, and, checked on the edge of the

pavement, made ready to cross the road and proceed up the wide street facing the head of the bridge; and that for no other reason except that it was there before him. But at the moment a couple of carriages and a slow-moving cart interposed, and suddenly he turned sharp to the left, following the quay again, but now away from the lake.

"It may be just my health," he thought, allowing himself a very unusual doubt of his soundness, for, with the exception of a childish ailment or two, he had never been ill in his life. But that was a danger, too. Only it seemed as though he were being looked after in a specially remarkable way. "If I believed in an active Providence," Razumov said to himself, amused grimly, "I would see here the working of an ironical finger. To have a Julius Laspara put in my way as if expressly to remind me of my purpose is . . . Write, he had said. I must write. I must, indeed! I shall write—never fear. Certainly. That's what I am here for. And for the future I shall have something to write about."

He was exciting himself by this mental soliloquy. But the idea of writing evoked the thought of a place to write in, of shelter, of privacy, and naturally of his lodgings, mingled with a distaste for the necessary exertion of getting there, with a mistrust as of some hostile influence awaiting him within those odious four walls.

"Suppose one of them," he asked himself, "were to take a fancy to call on me while I am writing?" The mere prospect of such an interruption made him shudder. One could lock one's door, or ask the tobacconist down-stairs (some sort of a refugee himself) to tell inquirers that one was not in. Not very good precautions, those. The manner of his life, he felt, must be kept clear of every cause for suspicion or even occasion for wonder down to such trifling occurrences as a delay in opening a locked door. "I wish I were in the middle of some field miles away from everywhere," he thought.

He had unconsciously turned to the left once more, and now was aware of being on a bridge again. This one was much narrower than the other, and instead of being straight made a sort of elbow or angle. At the point of that angle a short arm joined it to a hexagonal islet with a soil of gravel, and its shores faced with dressed stone, a perfection of puerile neatness. A couple of tall poplars and a few other trees stood grouped on the clean, dark gravel, and under them a few garden benches and a bronze effigy of Jean Jacques Rousseau seated on its pedestal.

On setting his foot on it, Razumov became aware that, except for the woman in charge of the refreshment chalet, there was no one on the island. There was something of naïve, odious, and inane simplicity about that unfrequented tiny crumb of earth named after Jean Jacques Rousseau. Something pretentious and shabby, too. He asked for a glass of milk, which he drank, standing, at one draught (nothing but tea had passed his lips since the morning), and was going away with a heavy, lagging step when a thought stopped him short. He had found precisely what he needed. If solitude could ever be secured in the open air in the middle of a town he would have it there on this absurd island, together with the faculty of watching the only approach.

He went back heavily to a garden-seat, and dropped into it. This was the place for making a beginning of that writing which had to be done. The materials he had on him. "I shall always come here," he said to

himself, and afterward sat for quite a long time motionless, without thought and sight and hearing, almost without life. He sat long enough for the declining sun to dip behind the roofs of the town at his back and throw the shadow of the houses on the lake front over the islet. He pulled out of his pocket a fountain-pen, opened a small note-book on his knee, and began to write quickly, raising his eyes every moment at the connecting arm of the bridge. These glances were needless, the people crossing over in the distance seemed unwilling even to look at the islet where the exiled effigy of the author of the *Social Contract* towered above the bowed head of Razumov in the somber immobility of bronze. After finishing his scribbling, Razumov, with a sort of feverish haste, put away the pen, then rammed the note-book into his pocket, first tearing out the written pages with an almost convulsive brusqueness. But the folding of the flimsy batch in half on his knee was executed with thoughtful nicety. That done, he leaned back in his seat and remained motionless, with the papers crushed in his left hand. The twilight had come before he got up and began to pace to and fro slowly under the trees.

"There can be no doubt that now I am safe," he thought. His fine ear could detect the faintly accentuated murmurs of the current breaking against the point of the island, and he forgot himself in listening to them with interest. But even to his acute sense of hearing the sound was too elusive.

"Extraordinary occupation I am giving myself up to," he murmured. And it occurred to him that that was about the only sound he could listen to innocently and for his own pleasure, as it were. Yes, the sound of water, the voice of the wind—completely foreign to human passions. All the other sounds of this earth brought contamination to the solitude of a soul.

That was Mr. Razumov's feeling, the soul, of course, being his own, and the word being used not in the theological sense, but standing, as far as I can understand it, for that part of Mr. Razumov which was not his body, and more specially in danger from the fires of this earth. It is well known that the way of salvation is hard, darkened by the shades of error, and made lonely to an independent traveler. Even those who travel in guided troops and organized caravans are not spared the terrors of isolation. And it must be admitted that in Mr. Razumov's case the bitterness of solitude from which he suffered was not an altogether morbid phenomenon.

CHAPTER XIII

That I should mention again here that Mr. Razumov's youth had no one in the world, as literally no one as it can be honestly affirmed of any human being, it is but a statement of fact from a man who believes in the psychological value of facts. There is also there, perhaps, a desire of punctilious fairness. Unidentified with any one in this narrative where both the aspects of honor and shame are remote from the ideas of the Western world, and taking my stand on the ground of common humanity, it is perhaps for that very reason that I feel a strange reluctance to state baldly here what every reader has most likely already discovered for himself. Such reluctance may appear absurd if it were not for the thought that from the imperfection of language there is always something un-

gracious and even disgraceful in the exhibition of naked truth. But the time has come when Councilor-of-State Mikulin can no longer be ignored. His simple question "Where to?" on which we left Mr. Razumov in St. Petersburg, throws a light on the general meaning of this individual case.

"Where to?" was his answer in the form of a gentle question to Mr. Razumov's independent declaration that he was going away. The question was not menacing in the least, and, indeed, had the ring of innocent inquiry. Had it been taken in a merely topographical sense, the only answer to it would have appeared sufficiently appalling to Mr. Razumov. Where to? Back to his rooms, where the revolution had sought him out to put to a sudden test his dormant instincts, his half-conscious thoughts and almost wholly unconscious ambitions, by the touch as of some furious and dogmatic religion with its call to frantic sacrifices, its tender resignations, its dreams and hopes uplifting the soul, by the side of the most somber moods of despair. And Mr. Razumov had let go the door-handle and had come back to the middle of the room, asking, angrily, "What do you mean by it?"

As far as I can tell, Councilor Mikulin did not answer that question. He drew Mr. Razumov into familiar conversation. It is the peculiarity of Russian natures that, however strongly engaged in the drama of action, they are still turning their ear to the murmur of abstract ideas. This conversation (and others later on) need not be recorded. Suffice it to say that he brought Mr. Razumov as we know him to the test of another faith. There was nothing official in its expression, and Mr. Razumov was led to defend his attitude of detachment. But Councilor Mikulin would have none of his arguments. "For a man like you," were his last weighty words in the discussion, "such a position is impossible. Don't forget that I have seen that interesting piece of paper. I understand your liberalism. I have an intellect of that kind myself. All this is a question of method. But the principle of revolt is a physical intoxication, a sort of hysteria which must be kept away from the masses. You agree without reserve, don't you? Because, don't you see, Kirylo Sidorovitch, abstention, reserve, in certain situations come very near to political crime. The ancient Greeks understood that very well."

Mr. Razumov, listening with a faint smile, wondered whether this was not something in the nature of an unofficial warning. Suppressing his exasperation, he asked Councilor Mikulin point-blank if that meant he was going to have him watched.

The high official took an offense at the cynical inquiry.

"No, Kirylo Sidorovitch," he answered, gravely. "I don't mean to have you watched."

Razumov, suspecting that this was a lie, affected the greatest liberty of mind during the short remainder of that interview. The older man expressed himself throughout in familiar terms and with a sort of shrewd simplicity. Razumov concluded that to get to the bottom of that mind was for him an impossible feat. A great disquiet made his heart beat quicker. The high official issuing from behind the desk was actually offering to shake hands with him.

"Good-by, Mr. Razumov. An understanding between intelligent men is always a satisfactory occurrence. Is it not? And, of course, these rebel gentlemen have not the monopoly of intelligence."

"I presume that I shall not be wanted any more?" Razumov brought out that question while his hand was still being grasped. Councilor Mikulin released it slowly.

"That, Mr. Razumov," he said, with great earnestness, "is as it may be. God alone knows the future. But you may rest assured that I never thought of having you watched. You are a young man of great mental independence. Yes, you are going away free as air, but you shall end by coming back to us."

"I . . . I!" Razumov exclaimed in an appalled murmur of protest. "What for?" he added, feebly.

"Yes, you yourself, Kirylo Sidorovitch," the high police functionary insisted, in a low, severe tone of conviction. "You shall be coming back to us. Some of our greatest minds had to do that in the end."

"Our greatest minds?" repeated Razumov, in a dazed voice.

"Yes, indeed, our greatest minds. . . . Good-by."

Razumov, shown out of the room, walked away from the door. But before he got to the end of the passage he heard heavy footsteps and a voice behind his back calling upon him to stop. He turned his head and was startled to see Councilor Mikulin in person. The high functionary hurried up, very simple, slightly out of breath.

"One minute. As to what we were talking about just now it shall be as God wills it. But I may have occasion to require you again. You look surprised, Kirylo Sidorovitch. Yes, to clear up any further point that may turn up."

"But I don't know anything," stammered out Razumov. "I couldn't possibly know anything."

"Who can tell? Things are ordered in a wonderful manner. Who can tell what *may* become disclosed to you before this day is out? You have been already the instrument of Providence. You smile, Kirylo Sidorovitch; you are an *esprit fort*." (Razumov was not conscious of having smiled.) "But I believe firmly in Providence. Such a confession on the lips of a man like me may sound to you funny. But you yourself, yet, some day . . . Or else what happened to you cannot be accounted for at all. Yes, decidedly I shall have occasion to see you again—but not here. This wouldn't be quite—h'm! . . . Some convenient place shall be made known to you. And even for the written communications between us in that respect or otherwise had better pass through the intermediary of our, if I may express myself so, mutual friend, Prince K——. Now I beg you, Kirylo Sidorovitch—don't. I am certain he'll consent. You must give me the credit of being aware of what I am saying. You have no better friend than Prince K——; and as to myself, it is a long time now since I've been honored by . . ."

He glanced down his beard.

"I won't detain you any longer. We shall certainly meet once more. It may be some little time, though, before we do. Till then may Heaven send you fruitful reflections! We live in difficult times, in times of monstrous chimeras and evil dreams and criminal follies."

Once in the street, Razumov started off rapidly without caring for the direction. At first he thought of nothing, but in a little while the consciousness of his position presented itself to him as something so ugly, dangerous, and absurd; the difficulty of ever freeing himself from the toils of that

complication so insoluble that the idea of going back and, as he termed it to himself, *confessing* to Councilor Mikulin flashed through his mind.

Go back! What for? Confess! To what? "I have been speaking to him with the greatest openness," he said to himself, with perfect truth. "What else could I tell him? That I have undertaken to carry a message to that brute Ziemianitch? Establish a false complicity and destroy what chance of safety I have for nothing—what folly!"

Yet he could not defend himself from fancying that Councilor Mikulin was, perhaps, the only man in the world able to understand his conduct. To be understood appeared extremely fascinating.

On the way home he had to stop several times; all his strength seemed to run out of his limbs; and in the movement of the busy streets, isolated as if in a desert, he remained suddenly motionless for a minute or so before he could proceed on his way. He reached his rooms at last.

Then came an illness, something in the nature of a low fever, which all at once removed him to a great distance from the perplexing actualities, from his very room even. He never lost consciousness; he only seemed to himself to be existing languidly somewhere very far away from everything that had ever happened to him. He came out of this state slowly, with an effect, that is to say, of extreme slowness, though the actual number of days was not very great. And when he had got back into the middle of things, they were all changed subtly and provokingly in their nature; inanimate objects, human faces, the landlady, the rustic servant-girl, the staircase, the streets, the very air. He tackled these changed conditions in a spirit of severity. He walked to and fro to the university, ascended stairs, paced the passages, listened to lectures, took notes, crossed courtyards in a sort of angry aloofness, his teeth set hard till his jaws ached.

He was perfectly aware of madcap Kostia gazing like a young retriever from a distance, of the famished student with the red, drooping nose keeping scrupulously away as desired, of twenty others, perhaps, he knew well enough to speak to. And they all had an air of curiosity and concern as if they expected something to happen. "This can't last much longer," thought Razumov more than once. On certain days he was afraid that any one addressing him suddenly in a certain way would make him scream out insanely a lot of filthy abuse. Often, after returning home, he would drop into a chair in his cap and cloak, and remain still for hours holding some book he had got from the library in his hand; or he would pick up the little penknife and sit there scraping his nails endlessly and feeling furious all the time—simply furious. "This is impossible!" he would mutter suddenly to the empty room.

Fact to be noted: this room might conceivably have become physically repugnant to him, emotionally intolerable, morally uninhabitable. But, no. Nothing of the sort (and he had himself dreaded it at first), nothing of the sort happened. On the contrary, he liked his lodgings better than any other shelter he, who had never known a home, had ever hired before. He liked his lodgings so well that often, on that very account, he found a certain difficulty in making up his mind to go out. It resembled a physical seduction such as, for instance, makes a man reluctant to leave the neighborhood of a fire on a cold day.

For as at that time he seldom stirred except to go to the university (what else was there to do?), it followed that whenever he went abroad he felt

himself at once closely involved in the moral consequences of his act. It was there that the dark prestige of the Haldin mystery fell on him, clung to him like a poisoned robe which it was impossible to fling off. He suffered from it exceedingly as well as from the conversational, commonplace, unavoidable intercourse with the other kind of students. "They must be wondering at the change in me," he reflected, anxiously. He had an uneasy notion of having savagely told one or two innocent, nice enough fellows to go to the devil. Once a married professor he used to call upon formerly addressed him in passing, "How is it we never see you at our Wednesdays now, Kirylo Sidorovitch?" Razumov was conscious of meeting this advance with odious, muttering boorishness. The professor was obviously too astonished to be offended. All this was bad. And all this was Haldin, always Haldin—nothing but Haldin—everywhere Haldin: a moral specter infinitely more effective than any visible apparition of the dead. It was only the room through which he had blundered on his way from crime to death that he did not seem to be able to haunt. Not, to be exact, that he was ever completely absent from it, but that he had no sort of power. There it was Mr. Razumov who had the upper hand, in a composed sense, of his own superiority. A vanquished phantom—nothing more. Often in the evening, his repaired watch faintly ticking on the table by the side of the lighted lamp, Razumov would look up from his writing and stare at the bed with an expectant, dispassionate attention. Nothing was ever to be seen there. He never really supposed that anything ever should be seen there. After a while he would shrug his shoulders slightly and bend again over his work. For he had gone to work and, at first, with some success. His unwillingness to leave that place where he was safe from Haldin grew so strong that at last he ceased to go out at all. From early morning till far into the night he wrote; he wrote for nearly a week, never looking at the time, and only throwing himself on the bed when he could keep his eyes open no longer. Then one afternoon, quite casually, he happened to glance at his watch. He laid down his pen slowly.

"At this very hour," was his thought, "the fellow stole unseen into this room while I was out. And there he sat quiet as a mouse—perhaps in this very chair."

Razumov got up and began to pace the floor, steadily glancing at the watch now and then. "This is the time when I returned and found him standing there against the stove," he observed to himself. When it grew dark he lit his lamp. Later on he interrupted his tramping once more, only to wave away angrily the girl who attempted to enter the room with tea and something to eat on a tray. And presently he noted the watch pointing at the hour of his own going forth into the falling snow on that terrible errand.

"Complicity," he muttered, faintly, and resumed his pacing, keeping his eye on the hands as they crept on slowly to the time of his return.

"And after all," he thought, suddenly, "I might have been the chosen instrument of Providence. It is a manner of speaking, but there may be truth in every manner of speaking. What if that absurd saying were true in its essence?"

He meditated for a while, then sat down, his legs stretched out, with stony eyes, and with his arms hanging down on each side of the chair, like a man totally abandoned by Providence, desolate.

He noted the time of Haldin's departure and continued to sit still for another half-hour; then muttering, "And now—to work," drew up to the table, seized the pen, and instantly dropped it under the influence of a profoundly disquieting reflection. "There's three weeks gone by and no word from Mikulin."

What did it mean? Was he forgotten? Possibly. Then why not remain forgotten—creep in somewhere? Hide? But where? How? With whom? In what hole? And was it to be forever, or what?

But a retreat was big with shadowy dangers. The eye of the social revolution was on him, and Razumov for a moment felt an unnamed and despairing dread mingled with an odious sense of humiliation. Was it possible that he no longer belonged to himself? This was damnable. But why not simply keep on as before? Study. Advance. Work hard, as if nothing had happened (and first of all win that silver medal), acquire distinction, become a great reforming servant of the greatest of states. Servant, too, of the mightiest homogeneous mass of mankind with a capability of logical, guided development in a brotherly solidarity of force and aim such as the world had never dreamed of . . . The Russian nation . . .

Calm, resolved, steady in his great purpose, he was stretching his hand toward the pen when he happened to glance toward the bed. He rushed at it, enraged, with a mental scream, "It's you, crazy fanatic, who stands in the way!" He flung the pillow on the floor violently, tore the blankets aside . . . Nothing there. And, turning away, he caught for an instant, like a vivid detail in a dissolving view of two heads, the eyes of General T—— and of Privy Councilor Mikulin side by side fixed upon him, quite different in character, but with the same unflinching and weary and yet purposeful expression . . . "Servants of the nation!"

Razumov tottered to the washstand, very alarmed about himself, drank some water, and bathed his forehead. "This will pass and leave no trace," he thought, confidently. "I am all right." But as to supposing that he had been forgotten, it was perfect nonsense. He was a marked man on that side. And that was nothing. It was what that miserable phantom stood for that had to be got out of the way . . . "If one only could go and spit all out at some of them—and take the consequences."

He imagined himself accosting the red-nosed student and suddenly shaking his fist in his face. "From that one, though," he reflected, "there's nothing to be got because he has no mind of his own. He's living in a red democratic trance. Ah! you want to smash your way into universal happiness, my boy. I will give you universal happiness, you silly, hypnotized ghoul, you! And what about my own happiness, eh? Haven't I got any right to it just because I can think for myself? . . ."

And again, but with a different mental accent, Razumov said to himself: "I am young. Everything can be lived down." At that moment he was crossing the room slowly, intending to sit down on the sofa and try to compose his thoughts. But before he got so far everything abandoned him—hope, courage, belief in himself, trust in men. His heart had, as it were, suddenly emptied itself. It was no use struggling on. Rest, work, solitude, and the frankness of intercourse with his kind were alike forbidden to him. Everything was gone. His existence was a great, cold blank, something like the enormous plain of the whole of Russia leveled with snow and fading gradually on all sides into shadows and mist.

He sat down, with swimming head, closed his eyes, and remained like that, bolt-upright on the sofa, and perfectly awake for the rest of the night, till the girl, bustling into the outer room with the *samovar*, thumped with her fist on the door, calling out: "Kirylo Sidorovitch, please! It is time for you to get up!"

Then, pale like a corpse obeying the dread summons of judgment, Razumov opened his eyes and got up.

Nobody will be surprised to hear, I suppose, that when the summons came he went to see Councilor Mikulin. It came that very morning, while, looking white and shaky, like an invalid just out of bed, he was trying to shave himself. The envelope was addressed in the little attorney's handwriting. That envelope contained another, superscribed to Razumov in Prince K——'s hand, with the request, "Please forward under cover at once," in a corner. But the note inside was an autograph of Councilor Mikulin. The writer stated candidly that nothing had arisen which needed clearing up, but, nevertheless, appointed a meeting with Mr. Razumov at a certain address in town which seemed to be that of an oculist.

Razumov read it, finished shaving, dressed, looked at the note again, and muttered, gloomily, "Oculist." He pondered over it for a time, lit a match, and burned the two envelopes and the enclosure carefully. Afterward he waited, sitting perfectly idle, and not even looking at anything in particular, till the appointed hour drew near, and then went out.

Whether, looking at the unofficial character of the summons, he might have refrained from attending to it is hard to say. Probably not. At any rate, he went; but, what's more, he went with a certain eagerness which may appear incredible till it is explained that Councilor Mikulin was the only person on earth with whom Razumov could talk, taking the Haldin adventure for granted. And Haldin, once taken for granted, was no longer a haunting, falsehood-breeding specter. Whatever troubling power he exercises in all the other places of the earth, Razumov knew very well that at this oculist's address he would be only the hanged murderer of Mr. de P—— and nothing more. For the dead can live only with the exact intensity and quality of the life imparted to them by the living. So Mr. Razumov, certain of relief, went to meet Councilor Mikulin with the eagerness of a pursued person welcoming any sort of shelter.

(To be Continued.)

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THE WORK OF THE DEMOCRATIC HOUSE

BY CHAMP CLARK

The Democratic House has, during the extraordinary session of Congress, made a record so excellent as to surprise its friends and dumfound its enemies. Its superb discipline, its industry, its demonstrated capacity for work, its unanimity on all great questions, seems to be exceedingly pleasing to the masses of our people. For years we had been sneered at as a party of mere negation, as being absolutely without the faculty of constructive statesmanship. The House has taken away from the party that great reproach, and in four months has passed more constructive legislation than any House has passed in the same length of time in two decades. This has utterly amazed our Republican friends who had really worked themselves up to believe that we could do nothing, even if we had a majority. We have kept the faith; we have fought a good fight; we have redeemed or are in process of redeeming every promise we made in order to win the election in 1910. Most emphatically the House of Representatives is justified by its works.

The principal promises on which we won the election were these:

First, to pass a resolution submitting a Constitutional

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amendment providing for the popular election of United States Senators. So far as the House is concerned that has been done.

Second, to pass a bill compelling the publication of campaign expenses before the election. That too has been done.

Third, to admit New Mexico and Arizona as two States. That has been done.

Fourth, to revise and liberalize the rules of the House. That also has been done.

Fifth, to revise the tariff downward to a revenue basis. A fine start has been made in that direction. We have accomplished as much in that regard as was possible in the time in which we were in session if it were to be done scientifically and intelligently.

Sixth, to economize in the public expense. We have begun to perform that great task.

When we made these promises they were sneered at by standpat Republicans. They are sneering no longer. All these six things promised were good within themselves. Their redemption marks an epoch in legislative history. There never yet has been a good reason urged against the election of United States Senators by popular vote. There is no more reason why a Representative, Governor, State Senator, constable or any other officer should be elected by popular vote than there is why a United States Senator should be so elected. What is a Senator? He is simply a representative of his constituents—that is, he should be—just as is a member of the House. He has a longer term. The duties of Senators and Representatives are identical, with these exceptions: First, the House, and the House alone, can originate revenue bills; the Senate alone ratifies treaties; the Senate alone votes on the confirmation of Presidential appointees; the House originates impeachment proceedings, sitting as a grand jury, and the Senate, sitting as a petit jury, tries the cases.

The average American—no matter to what political party he belongs—is honest. He believes that elections should be honestly conducted, and that too much money has been spent in recent years in elections. Therefore he has made up his mind to put an end to that degrading and demoralizing practice. Some people believe that this cannot be accomplished, but the majority believe that it can and will be accomplished. Several of the States have passed

measures to prevent corruption in elections. These laws to a large extent have proved beneficial, and the Federal laws on that subject will also prove beneficial. There is a well-authenticated case in the days of Charles James Fox, Burke and the younger Pitt, where one man spent 20,000 pounds sterling for his seat in the House of Commons. Yet in the last Parliament they threw out a member who had several hundred majority because his mother gave a dinner to a dozen of his constituents during the campaign.

By the treaty of Guadalupe Hidalgo a speedy admission of New Mexico into the Union was promised. Both New Mexico and Arizona have populations larger than several States had when they were admitted into the Union even in recent times. They have been knocking at the doors of Congress for admission for a generation. It is a shame that they have been kept out so long.

When the Democrats and the Insurgent Republicans in the Sixty-first Congress were making their great fight to liberalize the rules it was confidently asserted that the House of Representatives could not be conducted in decency and in order and business transacted with despatch without the despotic system then in vogue. Nevertheless, and notwithstanding these assertions, we have liberalized the rules, we have made the committees elective by the House, we have transacted the public business with despatch and have thoroughly demonstrated the efficacy of the reforms which we advocated. The Committee on Rules has been called on only two or three times to exercise the function of bringing in special rules. The testimony is to the effect that there has never been better order maintained in the House than during this extraordinary session, and this is due, to a large extent, to the uniform courtesy and kindness with which every member of the House, without reference to politics, has supported the new Speaker in maintaining order under the liberalized rules.

Economy, like charity, should begin at home, and that is precisely where the House began to economize. It abolished the offices of some hundred or more supernumeraries, thereby saving their salaries, in the neighborhood of $200,000 a year, to the people. Of course, as the appropriations had already been made for the fiscal year ending June 30, 1912, before we came in, there has been very little opportunity for economies, and there will not be much opportunity

until we begin on the regular appropriation bills for the fiscal year ending June 30, 1913, but we have made a good start.

The tariff question, like the poor, we have with us always. In its scope and ramifications it is a vast and most intricate subject. We concluded that it was better to revise it schedule by schedule than in a wholesale bill, thereby reducing the evils of log-rolling to a minimum. Our success proves the correctness of our theory. We passed, by a majority of more than two to one, a bill revising Schedule K on wool and woolens. The same is true with reference to our bill reducing the duties on manufactures of cotton. These bills were constructed so scientifically and intelligently as to receive the commendation of the public to an extraordinary degree. We also passed what in popular parlance is called the "farmers' free list bill," curing many iniquities of the Payne bill. In addition to this, we passed the reciprocity bill, every Democrat voting for it except eleven, while President Taft with his enormous patronage could not muster a majority of the House of Republicans for it, either in the Sixty-first or Sixty-second Congress.

We did not invoke a special rule in the consideration and passage of any of these tariff bills. They were thrown open to amendment and debate in every section and in every line, yet in every case the bill passed as it was reported by the Ways and Means Committee and endorsed by the Democratic caucus. The Senate passed the reciprocity bill, Democrats leading the fight and furnishing most of the votes. The Senate, composed of forty Democrats and fifty Republicans, has passed the House bill revising Schedule K, with certain amendments, and also the farmers' free list bill, with a few amendments, every Democrat voting for the wool and woolens bill, and every Democrat except one voting for the farmers' free list bill. At the time of writing the farmers' free list bill and the wool and woolens bill are now in conference with the chances of an agreement between the two Houses on both of them. The House passed the bill reducing the duties on manufactures of cotton by a vote of 202 to 91. Judging the immediate future by the immediate past, the Senate will pass that too, with amendments, and it will go to conference, and an agreement will be had in all human probability. All three of these bills will go to the President for his signature. It would require the powers of vaticina-

tion of one of the greatest of the major prophets to predict what he will do in the premises, and I shall not prophesy in that regard. Except as to some minor matters, this is the record of the Democratic House up to the present writing. It is a magnificent record—one which will give us victory in 1912 and for years to come, because it is on the record that we are making that the battles of the immediate future must be fought.

The House Democrats have not only stuck together during this session, but they have come to have a pride in sticking together. To use a military phrase, the *morale* of the House Democrats is not only surprising but highly beneficial and augurs well for the future. "Judge a tree by its fruits" is a rule established by highest authority. We are willing to be measured by that standard. We would not dodge it if we could, and we could not if we would. We are proud of it, and upon it we confidently appeal to the good sense, fair-mindedness and patriotism of the American people.

In these bills which we have passed we did not go as far as some good citizens and good Democrats thought we ought to go, but, as we were trying to pass bills through the House which we hoped would become laws, thereby ameliorating the condition of the people, instead of playing politics by passing bills through the House which we had no hope of being enacted into law, we had to consider five ordeals through which every bill would have to pass: First, the Committee on Ways and Means; second, the Democratic caucus; third, the House of Representatives; fourth, the Senate; fifth, the President. From the beginning we never lost hope that if the House passed good bills the Senate would agree to them and the President would sign them.

In addition to all this we had to keep steadily in mind the fact that somehow Congress must provide revenue with which to run the Government. No patriotic American wants to see the Government crippled in the full exercise of any legitimate function. Confronted with a Republican Senate and a Republican President and surrounded by the circumstances just set forth, we did the best we could, and, judging from the tone of the public press and from individual expressions of opinion, not only from nearly all Democrats, but from many Independents and many Republicans, we have done well indeed. We have steadily sought what seemed to be the attainable.

One reason why we have succeeded so well is that, at the time when nobody expected an extraordinary session to be called, in order to prepare tariff bills during the period from the 4th of March until the first Monday of December, we called a caucus of the Democratic members-elect to the Sixty-second Congress for the 19th of January, 1911—a thing unprecedented in Congressional annals. This caucus was called for the purpose, chiefly, of selecting the Democratic members of the Ways and Means Committee. Much fun was poked at us for so doing. One of the most brilliant Washington correspondents telegraphed to his paper denominating it as my "crazy scheme," predicting that few of the new members would attend and that we would break up in a fight. Many prophecies of similar tenor were made by sundry prophets, but, lo and behold! when the night of the 19th of January arrived, out of a total Democratic membership-elect of 227 members, 220 were present, and the other seven accounted for as sick or unavoidably absent. I was unanimously nominated for Speaker at that caucus — the first Democrat so nominated for a first term. The Democratic members of the Committee on Ways and Means were unanimously elected by the caucus after full and free debate, and Oscar W. Underwood, of Alabama, was unanimously elected Chairman of that committee by the caucus itself.

At that caucus the Committee on Ways and Means was empowered to nominate to succeeding caucuses the members of all the committees, with a provision that each committee should elect its own Chairman. All committees were made elective by the House itself. The fortunate fact of having called that caucus on the 19th of January, when we did not expect an extra session and because we did not expect it, enabled us to get things in working order at the earliest possible date, as it gave the Ways and Means Committee two months and a half to select the other committees, and to assemble the statistics and information on which to begin the onerous and important duty of formulating tariff bills. Nobody with a clear conscience can charge us with having proceeded with undue haste in revising the tariff so far as we have gone. It is practically seven months since caucus, and we have proceeded with such circumspection and care that, barring the farmers' free list bill and the reciprocity bill, we have revised only two

schedules out of fourteen, and we will proceed with the work of revision as expeditiously as possible, all the circumstances considered, until we have accomplished this large undertaking. The fact is well worth noting in this connection, and as showing the trend of public opinion, that, while we have only sixty-five Democratic majority in the House, we have passed these bills through the House with majorities of more than two to one, which means that on each bill some twenty-five or thirty Republicans voted with us. It is fair and just to them to say that they did not vote for our bills because they loved the Democratic party, but because they believed that our bills show great improvements on corresponding portions of the Payne-Aldrich tariff bill. It is equally clear that none of our bills could have been put through the Senate, even with amendments, without the aid of Republican Senators. We welcome aid from these Republican Senators and Representatives, or from any other source, in the righteous work of revising the tariff. Republicans who have voted with us in the House and Senate have demonstrated their love of justice in a most courageous manner.

Another thing which has contributed largely to our success in the House is that the new members are a type of men of an unusually fine order of ability to have come in in a landslide. They have taken hold of the work like veterans and have rendered valuable services. Finally, it is only simple justice to state that, while the House Democrats with their large majority have done remarkably well, our Democratic brethren in the Senate, though laboring under the handicap of being in the minority, are working together and doing so well that the prospects are, for the first time in twenty years, that we will go into a Presidential fight with a united party, conquering and to conquer.

CHAMP CLARK.

NAVIES AS INTERNATIONAL FACTORS—III

BY REAR-ADMIRAL A. T. MAHAN, U. S. N.

In an article contributed by me to the North American in May last, I had occasion to mention the purpose of the German Government concerning the scope and development of its naval policy and the numbers of the fleet commensurate with that policy. This purpose was formulated in a law which as first passed, in 1900, was operative over a term of many years then, and to some extent now, still future. The principle underlying was expressed in a preamble which stated that it was essential to possess a navy of such force that to incur hostilities with it would jeopardize the supremacy of the greatest naval power—a parliamentary way of designating Great Britain without the personality of mentioning a name.

Upon this principle, which may be defined as that of securing national peace, coupled with power to take at any time such international action as the policy of the moment might dictate, the constitution and numbers of the prospective German fleet were decided. Germany has abounded in assurances that the progress of her navy from year to year has no reference to the current ship-building programme of Great Britain. This statement is doubtless literally true; and is to be reconciled with the preamble above quoted by the fact that, having then considered the present and probable future of British naval development, and the wide-spread naval and colonial responsibilities of the British Empire, it was possible to reach a very close approximation to the numbers and character of the vessels needed to meet the requirements of the German policy avowed. As a matter of fact, the result has been that the standard of British naval construction has been set in Germany; not that of German construction in Great Britain, except in the original design.

It is not necessary to know the precise reasoning by which the responsible German authorities reached the exact constitution and numbers laid down by them as corresponding to the principle. The reasoning may have been faulty; the conclusion erroneous,—inadequate or exaggerated. Indeed, that it was imperfect is testified by some subsequent amendments, not many, known as *novellæ*. Modification is inherent in all designs which have in them a principle of life, and in this the German scheme has illustrated the common lot; but the comprehensive precision of the principle, combined with the particular feature of legislative expenditure predetermined for many years, which is alien to American and British theory, have preserved consistency and harmony of action. In this the German result contrasts strongly with the fits and starts characteristic of government by party, of annual appropriations unenlightened by any continuous definiteness of scheme, in which regard to the votes of the voters takes precedence of regard to the interests of the voters—that is, of the nation.

I guard myself, of course, from expressing any serious dissent from the method of the United States and of Great Britain, in annual appropriations controlled by the legislature of each successive year. It is in accord with the genius of their institutions, and therefore best suited to their practice; while it possesses the incontestable merit of preserving the guardianship of the purse which is the foundation of their edifice of liberty. In short, it is consistent with their whole scheme of government; while the drawback, that expenditures are viewed not with a single eye to national needs, but with a double regard to that and to the next election, is equally characteristic and perhaps equally essential to government by the people.

The difference between this method and the German is that which naturally exists between governments where the executive preponderates and that where the legislature does; and the result accordingly is greater executive efficiency in the one and less in the other. Representative Germans deprecate government by party. Experience shows that they are right, so far as executive results are concerned; and it is an important question for consideration whether, in the present tendency of the world, executive efficiency is not about to become the most essential attribute of government. More and more, in our individualistic

scheme of popular government, we are feeling, and legislation is showing, the need of governmental, that is, of executive, control. That such control depends upon legislation does not invalidate the fact that in exercise it is an executive function.

The unsteadiness of naval policy dependent upon party government has received recent conspicuous illustration in Great Britain, the country which most of all depends upon naval efficiency. The particular feature of British government, that the executive is a commission chosen from the legislature, thus qualifying the opposition of idea between executive and legislative functions, has not prevented the policy of a party, appealing for popular support, from bidding for such support by economies, real or apparent; the reaction from which, itself the reflection of popular alarm, is found in a one year's sudden immense increase of expenditure. In our own government, where legislature and executive, though co-ordinate, are distinct in person as in function, each must lean naturally to the support of the functions which are intrusted to it. The executive cannot but desire means fully adequate to the duties laid upon it; it will tend to err, if at all, by excess of demand in this direction. The legislature, controlling the expenditure, and responsible for its provision, will tend naturally to contest the executive estimates, even though it may in other directions be itself extravagant, for reasons more or less open to criticism.

Taking Germany and Great Britain for momentary comparison in respect of effective co-operation between executive and legislature, it may justly be said that the former illustrates a measured, graduated progress, dependent upon principle, and upon calculation based on principle; whereas the other, while certainly not without a general conviction of the need of naval supremacy, which does rough duty as a principle, does not possess that definiteness of conception which results in a fixed and calculated policy. The "Two Power Standard" and "The two keels for one"—that is, two ships laid down for Germany's one—are phrases with a meaning; but, although the former is in essence more than a century old, neither represents a process of reasoning. They are simply snap judgments; not the outcome of mental consideration, acting upon known factors deliberately weighed and measured.

The German principle—I speak of the principle only, neither criticizing nor indorsing the calculations based upon it—possesses among other merits the very great one of asserting with absolute clearness that the constitution and numbers of a navy are not a matter of domestic policy, but of foreign relations. I lay stress upon this, because I conceive, and further on shall attempt to show, that failure clearly to recognize this is the fundamental defect in naval policy as realized in the United States. It underlies the battledoor-and-shuttlecock contest, of one, or two, or more annual battle-ships, played between executive and legislature; or between opposing members in the legislature. Germany, says the declaration above quoted, needs a navy of such strength that the greatest naval power will not lightly incur hostilities. That certainly is a purely international consideration. It has nothing to do with German domestic affairs, except to indicate their dependence upon international security based upon armed force. It does not mean that Germany wants to fight Great Britain; even less that she imagines that in 1914 with sixteen *Dreadnoughts* she can successfully meet the British twenty-two, if these be concentrated. What it means is, that if Germany wishes to carry a point of foreign policy to which Great Britain objects—and their interests are markedly contrary in several quarters—Great Britain, despite her superior fleet, will think more than twice before her resistance takes the ultimate form of force, because that may mean war.

Men readily imagine that there has been no war when there has been no bloodshed, no fighting. War in modern conception and practice is business, not fighting. It is carrying a point through the opponent's sense of inability to resist. The less the fighting, the better the business; just as in a campaign of actual war the manœuvering which attains a result without fighting, by strategic dispositions placing a superior force in a point of decisive vantage, is more creditable than the bloodiest of head-on victories. Two hundred years ago a great French admiral said, "The best victories are those which cost least in blood, hemp and iron"—in life and in material.

These thoughts should be commonplaces; but they are not, because they are not common to most men. Austria, as a matter of international policy, three years ago assumed by force full sovereignty over Bosnia and Herzegovina. It was

a lawless act, in that it disregarded a treaty which was part of the public law of Europe; but it was justifiable, because it was evident that if in the Turkish revolution the Young Turks obtained control—as they have—they would have contested the conclusion. Under the new conditions, the continued existence of Turkish suzerainty over the two provinces would involve international friction, just as Turkish suzerainty over Crete, an empty yet vexatious political fact, has caused and is still causing much trouble and is pregnant of more. Turkey's recent purchase of two out-of-date German battle-ships is meant primarily to insure that Crete shall not go the way of her Balkan provinces.

The annexation by Austria was a change of political relation rather than of actual tenure; but all the same it was an act of war. When Russia and Great Britain showed resentment, and France discontent, Germany threw her sword into the balance. It would have been heavier if her fleet had progressed farther, but it was heavy enough. There was again war, but no bloodshed. Results were accomplished; but by force, however disguised. Bulgaria seized the same opportunity to cast off the Turkish suzerainty. Again force, war in all but striking; but Bulgaria was armed. Unlucky Greece, and still more unhappy Crete, were caught unprepared, or else were controlled successfully by the Western powers, so that the same opportunity slipped away from them unimproved. The most appealing and rightful of all political motives, the desire of two kindred and neighboring communities to come under one government, and of one of them to escape an alien bond, is denied; and they themselves have cause for regret that the hour found them unprepared. This very unreadiness is possibly the best justification for the continuance of that force which retains the Cretans still the nominal subjects of Turkey.

These instances have a special interest because they illustrate both why nations use force, and how law is incapable of meeting difficulties which force solves; not only easily, but finally, and for the best. By law Bosnia and Herzegovina belonged to Turkey, but were in Austrian occupation. It was expedient, beyond question, that the tenant should become the owner, but what law can be evoked to compel the transfer? Diplomacy may arrange, a tribunal can only decide. The change of Bulgaria to an independent from a tributary state was equally a transfer of ownership; beyond

law, though not beyond diplomacy, nor the force which is an expression of diplomatic factors. The continued dependence of Crete upon Turkey, instead of her desired incorporation with Greece, is the maintenance of a lawful ownership. No judge can reverse the facts or construe otherwise the law; but before the higher law of the reasonable wishes of the people affected it is a blatant iniquity.

More almost than armies, which in these changes were the instruments of forcible yet beneficent adjustments, navies are instruments of international relations. They are so more purely, because a navy, as has long been recognized, can scarcely be used to oppress the people of its country in their domestic conditions, as armies have been. While thus more strictly international, the scope of navies is also far wider. They can be felt where the national armies cannot go, except under naval protection. Just here it becomes necessary to point out a further distinction, which closely affects the United States and shows more clearly how entirely the navy, and consequently the numbers and constitution of the navy, is a matter to be determined by international considerations and not merely by those which are domestic and internal to the country. Exactly as a navy cannot be used as an instrument of domestic oppression, so in international affairs it is less effective for aggression than armies are; yet to a State whose frontiers are maritime, and to the external interests of such a State, it is because of its mobility more effective as a defensive force—for protection. The United States has neither the tradition nor the design to act aggressively beyond seas, but she has very important transmarine interests which need protection, as well as two home coasts separated by a great intervening space and open to attack.

The question for the United States, as regards the size of its navy, is not so much what it desires to accomplish as what it is willing or not willing to concede. For instance, we have shown plainly that we are unwilling to concede anything as regards the control of the Panama Canal, even to discuss the right to fortify it. The Monroe Doctrine, too, is only a claim to maintain security for that which we possess. In no sense does it propose to add to our holdings. How far is the country prepared to be obliged to concede on these points, because unready to maintain them by organized force?

It is upon such general considerations that the naval policy of a nation should be constituted. But the snare which the proverb asserts to lie in generalities must be recognized. A principle is essentially a generality. It is in the application of it to a concrete case that the difficulty lies. In that before us, the constitution and numbers of the necessary fleet is the result, to be sought by the application of the principle to the national conditions. Thus may be reached a defined and accepted policy, which, though lacking the regulated provision for a somewhat distant future which German institutions permit and have formulated, will nevertheless exercise over legislation a control that in result will be similar. The State will not contract a definite obligation to be fulfilled by successive legislatures, bound as by the interest of a debt, as Germany has done; but a definite standard may nevertheless be reached, and take such hold upon legislative and popular acceptance as will insure the same result without infringing the independence of each successive legislature. That such a result, of national purpose, can be reached, is shown by the general popular acceptance of the Monroe Doctrine as a national policy. The Monroe Doctrine in itself is a formulated principle; its successive developments have been applications of the principle. As German and French writers have aptly said, navies and armies should be national in the sense that their constitution and numbers reflect a national policy.

Germany has reached such a result. The chain of reasoning which has led to the precise figures is not known; but the first link, the principle, and the last, the application, are known. They affirm essentially that the determination of the aggregate strength of the navy is not merely, nor chiefly, a naval professional attribute; much less a technical one. The decision belongs specifically and above all to those upon whom rests the responsibility of sustaining the international policies of the country. It therefore cannot be governed by naval considerations only, nor by naval men; nor yet solely by the civil committees which in the national legislature represent naval considerations and control naval affairs, narrowly so called. Military and naval provision, to be correct, must reflect the international necessities of the country. Therefore, there must enter into these provisions the voices of those who do, or should, make it their business to understand the feelings of other nations and the temper

of their governments, which are the essential facts of international relations. With these are to be correlated the feelings of the people of the United States on specific subjects of international friction or ambitions.

The duties of legislation entail as a necessity the subdivision of the whole under special committees. But specialization has its dangers as well as its advantages, and there will exist always two complementary tendencies—that of the special committee to regard its subject as open to no intrusion, to be its business alone, and that of outside members to concede this claim and shove the matter out of their minds with the impression that the responsibility is off their shoulders—which is a mistake. The mistake, however, is so facile and so injurious that some provision is necessary to insure co-operation between committees whose subjects are related, and also between the committees themselves and the executive officers who are concerned with the same subject or subjects.

From what has been said it should be clear that foreign affairs and naval affairs have a close inter-connection, as well as that each has its own particular sphere of action which does not directly concern the other. All technical considerations, such as tonnage, armament, speed, as well as professional considerations touching the personnel, are in a somewhat narrow sense the attribute of the Committee on Naval Affairs, as committees. This condition does not exclude in any way the right and duty of any individual member of Congress to attempt to influence these upon the floor of the Houses, but it does indicate a line of severance between the functions of the naval and other committees. But questions of the aggregate power of the navy, and the consequent necessary ratio of annual increase; of the "life" of the heavier ships—that is, their period of useful existence, which evidently bears upon the power of the fleet; of the constitution of the fleet amid several classes of vessels—armored ships, cruisers, torpedo vessels, and so forth; all these bear upon the power of the nation to hold its course of policy amid the complications of international relations, as well as to insure the protection of its own home coasts and of its transmarine responsibilities. They therefore imply a knowledge, not merely of the actual naval force of other States, but of the temper and ambitions of their people and rulers, which ought to be the study, not of

the Department of State only, but of the committees on foreign affairs. I apprehend that nowhere does the separation between the co-ordinate branches of our government operate more disastrously than in the sphere of foreign relations; for this is the subject from which the average congressman most easily releases his conscience, because it is of the least interest to his constituents and its importance has not come home to his own consciousness.

Mutual intrusion of the several committees upon one another's deliberations would waste time and not tend to harmony. What is needed to meet the exigency is a formal provision by which they shall come together either as bodies or by representative members for consultation and interchange of views; that the conclusions of the naval committees upon data peculiar to their own special information and procedure should be duly affected by other data not similarly at their disposal. The naval policy of the country as regards the power of the fleet will not be properly ordered until an arrangement is made by which the foreign relations and naval factors are co-ordinated in some procedure in which both are considered; not only separately, but in connection one with the other. Why one annual battle-ship? or why two? is not a naval question chiefly, if at all. It is a political question, in the sphere of foreign relations. For similar reasons it is necessary that in such procedure the executive and the legislative branches both be represented; for while co-ordinate, and perhaps even because co-ordinate, it is true, as before pointed out, that each represents views contrasted and, in measure, even opposing. Mutual discussion, face to face, is the best remedy for such ills, the best provision to elicit a solution in which the several factors are properly adjusted into a whole, corresponding as nearly as may be to the nation's requirements.

A very striking recognition of the advantage of the course here advocated is to be found in the recent Imperial Conference between Great Britain and her four self-governing dependencies—Australia, Canada, New Zealand and South Africa—in May and June last. While many matters of common interest were proposed and discussed, it is known that a dominating consideration in this as in its predecessors was that of Imperial Defense, and the best means of effecting this by a fixed co-operation established between the

five communities affected. By general admission, the most significant feature of the procedure was the communication of the actual state of foreign relations and their bearing upon the policy of the Empire to the representatives of the several dominions by the British Secretary for Foreign Affairs. In fact, for this occasion the over-sea members of the Conference sat conjointly in secret session with the British Committee on Imperial Defense, the constitution of which will be given later, and of which the British Secretary for Foreign Affairs is a principal member. The connection between foreign relations and the general question of imperial defense by navy and army could scarcely be more signally illustrated, and this view is confirmed by the expressed appreciation of several of the colonial representatives.

It seems so obvious that the military and naval development of the nation are in some measure co-ordinate that I have thought it inexpedient to devote any of my space to the elaboration of this thought; the more so that it appears to me less important, and at the same time more obviously apparent to ordinary impression, than the relation existing between naval affairs and diplomacy, in the broad sense which covers all foreign relations. To countries situated as are the United States and Great Britain, the element of force in international relations is represented primarily by their navies, though the armies also have their share. It has been well said that the great strength of Great Britain in the Seven Years' War, which determined the future of North America and of India as they are to-day, was that the three co-ordinate factors, army, diplomacy and navy, were in the hands of one man—the first Pitt. The same was true in reduced measure of Frederick and Napoleon, though neither wielded a navy; a fact which was their weakness.

In the long run, however, for purposes of deliberation, one man is never equal to several men. We note easily the force of a one-man power; but, when he is great and distinguished, in the blaze of his efficiency we realize less easily, though we perfectly well know, the ultimate weakness of unconditioned authority. A dictator may be well enough for six months; for perpetuity and ordinary occasions let us have equals. My old instructor in navigation used to say that the average of a dozen observations is safer than to trust one you think particularly excellent. This is the theory

of popular and of representative government in a nutshell. The average judgment of all the people is in the long run better than the judgment of the one wisest. But when deliberation is followed by execution, the responsibility of action should be individual.

What is needed, therefore, is not an autocrat, even though he hold power at the will of the people, but a body in which the army, foreign relations and the navy are adequately represented; and at the same time the co-ordinate, yet opposed, functions of government—the executive and the legislature. In Great Britain this result was reached some dozen years ago by the institution of a committee of the cabinet called the Defense Committee. It is presided over by the head of the government, the Prime Minister, and includes always those members of the cabinet to whom in our system correspond the Secretary of State, the Secretary of War, the Secretary of the Navy and the Secretary of the Treasury. Other members are the Secretaries for the Colonies and for India. To these civil representatives are added four military, two army and two navy. Like the others, these two are *ex-officio;* being the chief among those concerned with the organization, direction and efficiency of the two military services.

Foreign and colonial interests, which combined constitute the imperial interests of the State, are thus united under one consultative body; and to this civil membership is added adequate representation of the military services. The total, eleven, is more compact than would be possible to us, because each of the civilian members is necessarily in the legislature, as well as charged with executive functions. There therefore is no need to make special provision for representation of the legislature, as there would be if a like scheme were adopted in the United States; for, as has been said, in such a body it is necessary to combine not only civil and military, but executive and legislature in one matured, harmonious decision.

The advisability of adopting such a measure does not rest upon the example of the one other great democratic country besides our own, but upon considerations such as those imperfectly developed in the body of this article. Nevertheless, the need of which the British Defense Committee is the exponent is as real here as there, and it has been satisfied in large measure by the Defense Committee.

A bill is now before Congress constituting a similar body to be styled a Council of National Defense, with a membership of fourteen. In general principle the proposed constitution of this body represents the same elements as the British—executive, legislature, army, and navy. The most marked difference is that the Secretary of State does not appear in the American scheme. This to me appears regrettable, as not duly recognizing the fundamental consideration of the close connection between foreign relations and military development. We also have no functionary equivalent to the British Prime Minister. The British Chief Executive is first among equals, has colleagues; the American President has none. Yet as constitutional Commander-in-Chief of the army and navy he probably has an indefeasible right to take the headship of any such body, while also in himself he sums up all the cabinet attributes, including diplomacy, army and navy. Should he take the chair in the meetings, all demands would be represented in his one person, while all necessary detailed information would be represented, *ex-officio,* by the combination of members. What better provision could be made for counsel to be followed by action?

A. T. Mahan.

Note.—In the *Atlantic Monthly* for August Sir William White, for nearly twenty years chief constructor of the British navy, writes: "Efficient and economical administration of any navy can be achieved only when annual estimates *form part of a complete scheme,* embracing the creation and maintenance of a war fleet adequate for the defense of the country to which it belongs. That scheme may be modified from time to time, but it should be always in existence."

ASPECTS OF PUBLIC OWNERSHIP

BY SYDNEY BROOKS

II

For a municipality to own and operate a public utility is always a simpler proceeding than to devise proper regulations for its conduct in private hands. And just because of its simplicity those who have mastered the fallacy of the short cut in politics will incline to suspect it. The easy solution is usually the wrong solution; and nothing can be easier or apparently more final than to get rid of the problems propounded by the private ownership of public enterprises by abolishing private ownership altogether. There is a completeness in such a plan that appeals to the type of reformer who likes all his remedies to be annihilating, and who has not yet educated himself above the notion of a political cure-all. Its attractiveness, moreover, is particularly felt by those who are engaged in the actual work of municipal administration and who naturally like to have under their own management large undertakings that minister to their sense of self-importance. The unthinking multitude, again, is drawn toward the expedient of public ownership partly because its civic pride is tickled by a great bustle of municipal activity, and partly because it sees no other way of escape from the abuses that have been permitted to accumulate on the workings of private enterprise. It rarely stops to consider whether these abuses are amenable to correction; it may almost be said to assume they are not; and it finds itself committed to the advocacy of municipalization as the readiest and most obviously visible alternative to the undoubted shortcomings that have accompanied the management of public services by private corporations. But that, I submit, is to proceed upon a partial and mistaken diagnosis. The real issue is not between public and private ownership; it is between public owner-

ship and a better, an attainably better, system of regulating private ownership in the public interests. The distinction is vital. It alters the whole nature of the problem, and suggests the possibility of approaching it from a third and usually a neglected angle. That is to say, it puts into the forefront of the discussion not the abolition of private ownership, but its amelioration; not the reversal of a policy, but the preservation of its excellences and the removal of its incidental defects. To abandon a familiar arrangement because here and there it may be shown to work badly, and to rush to adopt its exact opposite, is not statesmanship but abdication of statesmanship. In the United States—or so at least it appears to a foreign onlooker—the private management of public utilities has displayed both its greatest strength and its greatest weakness; it has won there triumphs such as it has gained nowhere else, and it has also developed abuses that go considerably beyond the experience of Europe. What the world expects from Americans, so far as this problem is especially concerned, is that they will demonstrate the possibility of maintaining the benefits of private ownership while doing away with its disadvantages; that they will prove that its drawbacks are not fundamental and inherent, but the result of faulty conditions that can and should be remedied; and that they will thus evolve a rational working compromise that will retain the best points of both systems.

The question then, in this particular aspect of it, resolves itself into a consideration of the terms on which public utility franchises should be granted to individuals or corporations. That terms of some sort there should be, that a municipality, for instance, cannot without a gross sacrifice of public rights make a free gift of what is essentially the property of all the citizens to a group of private contractors, is now pretty generally agreed. Mr. Hugo R. Myer, at the close of a patient and destructive analysis of the workings of a municipal ownership in Great Britain, does, indeed, advance the doctrine that public service industries, using the public streets, are not really different from ordinary trading and manufacturing ventures and ought not, therefore, to be "subjected to special limitations and special taxation designed to secure to the public at large a share in their profits." But that is a doctrine at least as extreme as any that has yet been put forward by the advo-

cates of municipalization at any price. It is a doctrine of anarchy; it is reminiscent of a by-gone age when economists pinned their faith to competition as the cure for all ills; it would result in practice in placing all local self-government and all public rights at the mercy of industrialized capitalism. Sisyphus was a very Kitchener of practicality, and the Danaides wise virgins improving the hours and engaged in a hopeful and useful occupation by the side of a twentieth-century economist who would endeavor to persuade the average citizen in any intelligent democracy that a corporation which is entitled to tear up the streets for the purpose of laying car lines, electric wires, a telephone system, gas or water pipes, does not occupy toward the community a totally different position from that of a manufacturer of gloves or motor-cars. The natural and inevitable tendency of all undertakings that set out to supply the public with such commodities as gas, electric light, water or street-cars is to become monopolies. The character of these commodities is such that, in furnishing them, effective competition is impossible. What is more, the public are far better served and their convenience is far more efficiently promoted when corporations dealing in what may fairly be regarded as necessaries of modern life obtain a complete control of the particular utility it is their aim to supply. A city in which half a dozen gas or electric-lighting companies had the right to lay their connections through the same streets in which the transportation system was split up among a number of disjointed and competing corporations, or in which rival telephone exchanges fought for an exclusive business and denied to one another any cooperation of facilities, would be a city that might better be described as a chaos. From the consumers' standpoint, from that of the local authorities, and from that of the corporations themselves, it is in every way preferable that in any given area each public utility should be under a single control. But the argument from convenience and uniformity is enormously reinforced by the argument from experience; and experience has, I think, conclusively proved not only that the effort to preserve real competition in such services as lighting and transportation results in an intolerable nuisance to the citizens, but that it altogether fails in its main object—fails, that is to say, to avert or destroy, though it sometimes hinders, the deep-seated economic rush

toward consolidation. The experiment has been tried again and again, and it has always broken down. One may, therefore, with some confidence assert that the supply of the main public services—such as water, gas, electric light, street railways, telephones and telegraphs—must be, and ought to be, in the hands of monopolies. But this necessarily monopolistic character of municipal utilities differentiates them at once from the ordinary trades in which prices are more or less regulated by competition. A consumer can change his grocer or his tailor whenever he pleases, but he cannot change his water-supply, and the monopolies that furnish him with the goods that are the material basis of his existence have him completely at their mercy, and, if left unregulated, will extract from him the last penny of commercial profit, will vary the prices charged at their own arbitrary pleasure, and will be free to practise a system of favoritism and discrimination not less injurious than a system of continuous extortion. And the consumer who is thus liable to be oppressed as an individual is liable also to suffer not less as a unit in the community. For the monopolies that dominate his life as a householder dominate also the life of the city in which he dwells; and in each instance they owe their very existence to licenses or charters granted by the civic authorities, they cannot operate without using the streets that are maintained at the taxpayers' expense, and the employment they make of the powers conceded to them may, and indeed must, have a direct and vital influence on the health, comfort and civilization of the community and the development of new industries and new districts. On the ground, therefore, that all public utilities tend to become, and should be encouraged to become, monopolies; that these monopolies, if unchecked, have it in their power to deal harshly and unfairly with the individual in matters of price, quality and quantity; that they build up their undertakings on rights granted by public authority and by the utilization of public property; and that their character and conduct, their efficiency or their lack of it, profoundly affect the conditions of urban life—on all these grounds one is justified in declaring that the public services differ not alone materially, but fundamentally, from ordinary enterprises, and that their regulation is a proper matter of State and municipal concern.

The objects that naturally present themselves as the ones

that such regulation should aim at are, first, the protection of the citizens, and, secondly, the protection of the city. Both as individuals and as a community the consumers, who for the most part are also the taxpayers, have a clear right to demand a full return for whatever franchises are granted in their name. The consumers wish to be assured that the goods supplied to them are of high and uniform quality, that they are retailed at a reasonably low price, that complaints on either score are promptly attended to, and that sufficient precautions are taken to prevent discrimination for or against particular persons or localities. The taxpayers, again, wish to capture for the city what is called the unearned increment of value, and to extract from the holders of the concession a fair financial equivalent for the privileges accorded them. Both desiderata are eminently legitimate, and the problem is to satisfy them without curbing private enterprise or throwing upon the corporation that has been granted a public-utility franchise a burden it is unable to bear. There is, of course, no royal road to the solution of this or any other political problem. But certain general principles may be laid down of sufficient spaciousness to serve as guiding-posts to the settlement of what is, after all, in the last resort, a question, or rather a series of questions, of detail. These principles have nowhere that I know of been better summarized than in Major Leonard Darwin's admirable volume on *Municipal Trade*. He begins by insisting on the folly of what was until recently, even in Great Britain, the common practice of granting franchises in perpetuity. Whatever provisions may be attached to them, perpetual franchises are against public policy, inasmuch as they afford no adequate safeguard for the rights either of the consumer or of the community as a whole. In every concession awarded to private contractors for the supply of some commodity that enters universally into the routine of modern life, it is of the first importance that the local government should keep open the door to effective official intervention and control. The ordinary form of perpetual franchise makes this well-nigh impossible, though Massachusetts has evolved an ingenious and apparently satisfactory system under which concessions for gas, electric lighting, and street railways, while perpetual in theory, are really held during good behavior—the corporations down to the minutest details of their operations

being subject to the supervision of a salaried State Commission of three members nominated by the Governor. But in general, official foresight has been proved incapable of estimating long in advance the changes in industrial methods or in urban requirements that may make a contract which was equitable at a given date hopelessly one-sided ten or twenty years later. No automatic device, such as a sliding scale of prices or of rents based on dividends or on gross earnings, has yet been evolved which can do more than mitigate the disadvantages of a perpetual franchise. In the United States, it would seem, those disadvantages acquire a status of almost legal permanence. The clause in the American Constitution which forbids a State to impair the obligation of contracts has, I believe, been constantly invoked to prevent municipalities from resuming control of franchises heedlessly granted in perpetuity. Impolitic in any country, perpetual franchises, in the absence of any provisions in the State Constitutions permitting their amendment or repeal, would appear in the United States to be little less than iniquitous; and one may indeed say that both American and European necessity points to the wisdom of reserving to the local authorities statutory power to review at stated intervals the terms of its contracts with private corporations.

If, then, the principle of limited concessions be admitted, the next question that arises is the length of the period that each franchise should run. That is a question that depends so much on the nature of the undertaking and the conditions of the neighborhood that no offhand answer can be ventured. The size and probable growth of the community it is proposed to serve, the degree in which the industry that is to be regulated is old or new, settled or experimental, the innumerable circumstances that may increase or diminish the risks which the promoters are assuming—all this has to be taken into account. But clearly a period which fails to give capital the security and encouragement it imperatively needs is too short; and a period is too long when—but that is a matter it is hardly necessary to go into. Municipalities nowadays are so jealous of corporations and are so much inclined to sacrifice the public interests to "spite," and obstruct them, that a franchise is never likely to be granted for too long a period or without stipulations that negative a seemingly excessive gen-

erosity in the matter of the time limit. The danger is the other way. The danger is that capital will be so thwarted and hampered that a reasonable return on its outlay will be denied to it, and that the public will be deprived of the benefits of a new industrial discovery to please the righteous but overstrained zeal of the local authorities. That is what happened in Great Britain in the case of electric lighting and of the application of electrical energy to the purposes of transportation. It is not too much to say that the whole electrical engineering industry in Great Britain was paralyzed for a decade and more by the short-sightedness of the municipalities in refusing to grant new franchises or to extend old ones except on terms that no capitalist would look at. In the case of street railways, says Major Darwin, "private companies owning expiring concessions could not afford to electrify their lines; for the terms of the concessions gave them no inducement to invest fresh capital, and made it necessary for them to pay away in dividends all the profits they could possibly earn with horse traffic during the remaining years of their industrial life. Before 1896 only about twenty miles of electric tramways had been constructed in England and Scotland; a figure to be contrasted with the ten thousand miles laid in the United States at that period." In the case of electric lighting, there were in Great Britain in 1888, six years after the passage of the Electric Lighting Act, only twelve central generating stations; in the United States there were 574. Nothing could show more clearly than these two sets of figures that an excessive tenderness for the public interest may defeat its own object. In the United States whatever injury was inflicted on the corporate rights of various communities was more than offset by the enterprise and initiative that brought a revolutionary invention within the reach of millions. In Great Britain the corporate rights of the community were so extravagantly coddled and protected that a great industry was almost strangled at its birth, to the incalculable detriment of social welfare and business development. In the one instance franchises were granted for a liberal, perhaps even an excessive, period; in the other they were hedged round with a time limit so narrow as to make them virtually inoperative. The duration of a franchise, therefore, while a detail, is a detail that may make all the difference between progress and reaction.

Closely allied with the question of time is the question of prices and rental. A municipality that grants a perpetual franchise is foolish; a municipality that grants a franchise for nothing is either mad or corrupt. The community may fairly claim to share in the profits that accrue from the privileges it bestows, to demand some return for the use it permits corporations to make of the common property, to exact guarantees against the inordinate exploitation of the consumer, and to insure the maintenance of a fixed standard of quality in the goods supplied. But in the discussion of these matters too much stress, as a rule, is put upon their financial, and too little on their social, importance. Granting that a community is entitled to an equivalent of some sort for the concessions awarded in its name, it does not follow that the equivalent should always or even mainly take a monetary form. To extract an annual rent from a gas, electric lighting, street railway, or water corporation is undoubtedly a legitimate proceeding. But it has always to be considered whether the moneys thus obtained would not be better employed if they were devoted not to the relief of taxation, but to improving and extending the operation and lowering the price of the specific utility that furnishes them — whether, in other words, the community would not gain more by relinquishing its claim to a direct financial consideration and insisting on a proportionate decrease of prices and fares, and a proportionate increase in the quality and extent of the facilities provided. But however that point may be settled, it is advisable, and it is not very difficult, to insert in the terms of the franchise provisions fixing the price of the commodity to be supplied either at a stationary figure or—a better plan—on a sliding scale dependent either on the net profits or the gross earnings of the corporation. So long as the price thus fixed is open to revision when the time arrives for renewing or terminating the franchise, and so long as it permits the capital invested in the undertaking to earn a rate of interest that will appeal to promoters and stockholders, then the fact that it is fixed protects the consumer and at the same time encourages economical methods in the corporation. In the same way, if it is thought proper to charge an annual rental, the sum agreed upon should automatically adjust itself to the prosperity of the undertaking. The device which is not uncommon in Great Britain

of forbidding corporations to pay more than a certain dividend has the disadvantage of reducing the incentive to business-like conduct; and the American plan of throwing upon the street-railway corporations the sole or partial responsibility for the paving and upkeep of the streets has usually been found to produce the maximum of friction between the municipality and the corporation with the minimum of benefit to the community. It seems better, therefore, for the local authorities to stipulate for a certain price, to enforce a reasonable standard of quality by inspection, and to settle the question of rental—if any such question arises—on a purely financial basis.

At this point, however, we are obliged either to advance or retreat. When charges or rentals or the size of the dividends are regulated by reference to the rate of interest that the capital invested in the undertaking expects and is entitled to earn, the assumption is that the capital is genuine and not fictitious. But this is so frequently and notoriously not the case that the question arises as to the control that should be exercised over the capitalization of public service corporations. It may be said at once that there should be control, that it should be effective, and that in the absence of it, all provisions in regard to prices and rentals are liable to come to grief. Massachusetts was the first American State to recognize the necessity of supervising the flotation of companies that are intrusted with municipal franchises, just as it was the first to insist that a franchise once granted should not be transferred without legislative authority. Nothing, so far as an outsider can judge, has done more to quicken the movement toward public ownership in the United States than the water-logged condition of large numbers of public-service corporations. "Their enormous over-capitalization," writes Professor Rowe in his excellent *Problems of City Government,* "has burdened them with fixed charges which cannot be met if the public authorities either demand any considerable reductions in the cost of service or far-reaching improvements in the character of the service. Companies such as the Interborough-Metropolitan of New York or the Rapid Transit Company of Philadelphia cannot at the same time meet the requirements of an advancing public opinion and pay dividends on their inflated capitalization." And with the official control over the issue of stocks and bonds there should go also,

as a necessary corollary, an official right of inspection of the plant and accounts. But the most effective hold that can be exercised over a corporation that is engaged in supplying a public utility lies either in the terminable franchise, the provisions of which entitle the municipality to buy out the undertaking at the end of the stipulated period, or in a franchise perpetual in form but corrected by the retention in the hands of the local authorities of the right to purchase at any moment. The essential thing is that the bargaining and coercive power of the right to purchase should always be in the background. The existence of such a power, it may be urged, would frighten capital. But that would not be the case if (1) it were exercised only on the recommendation of an impartial Commission; (2) if the system of valuation adopted to determine the price of purchase gave full compensation both to promoters and stockholders and allowed for initial losses and formation expenses, and (3) if each corporation were granted an absolute monopoly in its special field. The present limitations on local indebtedness in the United States would no doubt in many cases deprive the reserved right to purchase of a good deal of effectiveness; but it is a question how long those limitations in their present form will be retained, and whether in most States a distinction will not be drawn between the liabilities that may be incurred in connection with unproductive enterprises and those that may be incurred in connection with reproductive enterprises. In any case the retention of the right to purchase, whether at a specified time or at any time, places a weapon in the hands of the local authorities that would bring the most disorderly corporation to reason. But it is a weapon, as has been said, that should only be employed on the initiative of an impartial Commission. Some of the most valuable and suggestive pages in Major Darwin's volume on *Municipal Trade* are devoted to advocating the appointment of Commissions to deal with the many questions connected with public franchises; and there can be little doubt that it is in the utilization of such Commissions, to stand between the local authorities on one hand and the corporations on the other, that the United States is destined to lead the world, and to make the most valuable of all contributions to the problem of combining private initiative and enterprise with protection of public rights.

To sum up. The alternative is not, as it is usually stated,

between public ownership and operation of the public utilities and their retention in private hands under the conditions that now obtain. These conditions are not permanent. They can be, and should be, improved; and the real choice will then be seen to be between public ownership and an improved system of private ownership. Those who have a reasoned conviction in favor of private ownership should, therefore, not only admit that some form of official regulation and supervision is necessary, but should set to work to devise the best possible method in which that control should be exercised. It is suggested that an impartial Commission affords the best chance of destroying the drawbacks that hitherto have been found inseparable from corporate trading, with its concomitant of corporate influence in local politics. Franchises authorized by any such Commission would be either terminable at the close of a stated period, or if perpetual in form would be offset by the reservation of the right of the local authority to purchase the undertaking at any moment and on such terms as the Commissioners might approve. In all franchises there ought to be provisions regulating questions of price and of rental, and referring disputes to the arbitrament of the Commission. Corporations should be given an absolute monopoly within a given area and adequate safeguards against the confiscation of their properties. No concession should be granted unless and until the Commissioners have satisfied themselves that the nominal capital fairly represents the actual cash invested. The power to inspect the books and the works should be lodged in the Commission, and the local authorities should have a right to satisfy themselves that the quality of the goods supplied reached a reasonable standard. A franchise granted to one corporation should never be transferred by it to another except with the approval of the Commission. These conditions, enumerated in this categorical form, have no doubt a forbidding sound. But when closely examined it will be found that they leave to capital a fair return on its investment, and that they dam at the fountain-head a prolific source of contention and corruption. It is only, moreover, in proportion as they welcome and co-operate with official regulation that corporations in the long run will be able to withstand the movement for their supersession by public ownership.

Sydney Brooks.

HOW NOT TO DRAFT A CHARTER

BY RABBI STEPHEN S. WISE

Some citizens of New York,—the writer is one of them,—wish that, even if New York be unready to take the leadership of the civic life of the nation, it should not always occupy the bad eminence of teaching cities throughout the land how not to conduct their affairs. New York is again preparing to fill this negatively serviceable position. But, singularly enough, New York is not to blame—that is, not yet. The head of the city seems to be the head and front of the offending. Co-operating with him are a group of legislators of the dominant Democratic party.

A lawless attack upon the integrity and security of the city has been planned under the form of drafting a new Charter or body of laws for the municipality. The nefarious character of the undertaking appears in the circumstance that it was originally planned to perpetrate this Charter upon a city which is an empire in itself without granting its citizenship more than a hurried and perfunctory glimpse of a flavored summary. Moreover, this act of political brigandage would have been accomplished but for the eleventh-hour intervention of Governor Dix,—one of the few strong acts of a disappointingly weak executive.

True, this Charter-drafting has been of a piece with the general conduct of the present Legislature of New York, elected in large part by a vote of protest against the character of the Republican Legislatures in recent years. The present session has not been marked by corrupt leadership, but it has not been free from leaderless corruption. Not that there has been open or even concealed buying and selling of votes, for it has not been necessary. Rarely has the crack of the party-whip been more ominous and constant than during this year's session, or rather, changing the figure to one more apt and intelligible, never has the long-

distance private telephone from New York to Albany been more assiduously employed.

For a time there were welcome signs of revolt. A group of young men waged a long and heart-breaking fight against a candidate for the United States Senatorship. But the outcome of the laborious battle was disproportionately meager, in view of the final substitution of an obscure judge for a political notoriety. Again, the present Legislature might have been saved from itself by a vigilant and vigorous minority, but the Republican minority has been neither one nor the other save in liquidating the indebtedness carried over from the days when it might have been said of two Albany statesman, "It never Raines but it McCarrens."

The Republican regulars who had often found accommodation and furtherance at the hand of Tammany Hall representatives in other years, especially when the party councils were divided, could do no less for their old allies than lend a helping hand when needed,—as if to confirm the truth of the maxim that the party out of power may always be trusted as little as the party in power. The Republican minority has been not only basely supine but stupidly inert. It has failed strategically as well as morally to utilize the opportunities offered by a legislative session which has been bootless if not bootyless, blundering if not plundering, leaderless though overbossed.

Beginning with national affairs, Tammany Hall calmly appropriated the Senatorship for one of the faithful after denying it to an abler man whose unworthiness for the office, judged by Tammany standards, was due not to his sinister record, but to his dexterity in political manipulation, which might imperil the overlordship of Tammany's rulers. The Elections Bill, which a vertebrate executive could have prevented the Legislature from inflicting upon the commonwealth, was Tammany Hall's notice of assumption of State suzerainty, though primarily aiming to permit a minimum of organized revolt against its rule. But these larger prizes, the higher trophies of war, as it were, while dramatically appealing, could not satisfy the hungry whose dietary must be immediate and mouth-filling.

Having rendered the party nationally the disservice of preventing the election to the office of Senator of the late Edward M. Shepard, and after having given a deterrent taste of themselves to the State in the form of the Elections

Bill, the heads of Tammany Hall bethought themselves of the most immediately profitable of all possible undertakings, —the revision of the Charter of the City of New York.

Circumstances conspired to facilitate and justify the task. For one thing, the revision of New York's Charter had been earnestly advocated for a number of years, and two commissions had labored at the problem—the Ivins Commission, made up of men commanding respect for their ability and disinterestedness, and a legislative commission, which not inexplicably failed to gain the confidence of the community.

It is a serious thing to say,—but the writer accepts the responsibility,—that in the drafting of the proposed Charter of the City of New York every interest has been consulted save the public interest, and no principle has been followed save that of political self-preservation. Alas for the fateful conjunction of a capricious and vindictive city head, relying upon the insatiably voracious leaders of Tammany Hall as his confederates, and a shrewd though unseeing leader hungrily ready to utilize the not wholly vanished influence of the Mayor as a political asset! The terms of the confederation may not have been formal and explicit, but the intermediaries have been none the less active and alert, constrained by the power of the political appetite of the one, and playing upon the personal weakness of the other.

It remains to be added that, as if bent upon making doubly sure the wrecking of the party, the Charter-manufacturers hired one of the conspicuous wreckers of the last Legislature to perfect the details and regularize the phraseology of the new Charter.

On the other hand, it is the part of justice to marvel at the Clive-like moderation of the Charter-makers. True, the salary of the Mayor is slightly increased from the beggarly sum of fifteen to twenty-five thousand dollars per annum, and the Mayor, as if to bolster up his contention with the educators that great talents should have their pecuniary reward, abates his excessive modesty in the matter sufficiently to appear to be willing to avoid the postponement of this increase of salary until the election of his successor, lest, too, the latter be unduly embarrassed.

Moreover, it should be said that if, through providential intervention, taking the form of acquiescence on the part of the electorate in the Mayor's diffident estimate of his own infallibility and impeccability, the mayoral term could

through repeated re-elections or the simpler method of mayoral fiat be indefinitely prolonged, the proposed Charter would be quite unexceptionable. For it is undoubtedly a perfect embodiment of the personal policies and prejudices and piques of the Mayor, modified by some ineluctable demands of his associate Charter-makers. But, through some strange mischance, the present Mayor may not continue permanently in office, and that untoward possibility, though it cannot be contemplated with the equanimity of Mayor Gaynor's favorite author, ought to enter into the consideration of the terms of a Charter which has been drafted not so much to meet the proved exigencies of the city as the exiguity of the approvals and disapprovals of the present Mayor.

One stands aghast at the courage of the Mayor in assuming, under the terms of the new Charter, virtually the entire responsibility for the conduct of the city. And one is needs moved to admiration of his exquisite courtesy in undertaking to relieve all subordinate elective officers of the city of the burdens which precedent and practice have long assigned them. This much may be claimed for the instrument under consideration: It has solved the problem of combining centralization of power with diffusion of responsibility. It frankly constitutes an assumption of responsibility which shall be proportionate to unconcealed omniscience.

Enough for the motives which, despite all magniloquent self-appraisal, are transparent, and the methods which have been studiedly cryptic! What of the results? Even assuming it to be possible that the character of these has not been predetermined by the motives and methods of the framers, the outcome is in truth lamentable. Viewing the whole *sine ira et sine studio,* and ignoring the greed and malice which have energized the operation of Charter-mongering, no impartial student can fail to see that the resultant document is utterly unworthy of acceptance as the Charter of the first city of the foremost Democracy. If any well-defined principles of municipal self-government underlie it, they are not discoverable. As a whole, it is unscientifically framed, lacking in uniformity and consistency, a slovenly, haphazard, machine-made, scissors-and-mucilage-drafted instrument, the very embodiment of political ineptitude and legislative inefficiency. If adopted, it is likely to

prove effective only in furthering the personal aims of the framers, though these are for a time buried away in a mass of ambiguous phrases.

The elimination of the ineffective sections of the old Charter, alike with the introduction of desirable amendments, has been reduced to a minimum. Unjustified either by its omissions or its inclusions, it stands a cumbrous, unwieldy, illogical document, as if to teach by force of unanswerable example how not to draft a charter.

Of its underlying principle of augmentation of power in the hands of the Mayor, coupled with the attenuation of mayoral responsibility, enough has been said to pierce the mask of evasiveness though it strut about in the habiliments of candor. But the raw recasting of the city Charter in order to punish some offensively insubordinate city officials is not so lightly to be dismissed. The President of the Board of Aldermen is not abolished, but under the provisions of the new Charter he ceases to be Vice-Mayor, and, in the absence of the Mayor, the latter may designate a temporary substitute,—a more than regal prerogative, but not too royal for one ready to clothe himself with sovereign power! On the other hand, as if to atone for injury by insult, the salary attached to the office is increased though its importance be diminished,—a bit of logic in keeping with the statecraft which dominates the document.

Again, the Comptroller is not decapitated; he is merely tethered and gyved. If the Mayor had been possessed of the courage of his wrath, he would have abolished these two offices *in toto*. This is not done, but the incumbents are to be so shorn of power and reft of responsibility that no man of character and independence will be found willing to occupy either office. If it could be established that every future Mayor of New York would be as wise and benign and magnanimous as the inspirer of the Charter, and if, moreover, it could be assumed that every Comptroller would be as irritatingly vigilant in safeguarding the public interest as has been Mr. Prendergast, and every President of the Board of Aldermen as embarrassingly alert to remedy intolerable police conditions as was Mr. Mitchell during the enforced inactivity of the Mayor and one of the latter's many Police Commissioners, the Mayor's desire to rid himself of these annoying colleagues would be quite explicable. But it seems to stretch the doctrine of vicarious punishment

unduly far to punish all future Comptrollers and Presidents of the Board of Aldermen for the sinlessness of the present occupants of these offices.

Though the abolition or emasculation of these officers constitute the reversal of democracy, if democracy be the supremacy of law rather than the rule of inferior men clothed in the forms of law, it is primarily a matter of personal caprice, and we would sojourn for a time in the realm of lofty and impersonal principles. Thus we would fain learn the principle underlying the civil-service provisions of the new Charter. Tentatively one ventures the conjecture that the increasing " starchlessness " of the enforcement of the State civil-service laws under the board of Governor Dix's naming has excited the envy of the city officials, and the new Charter seeks to render such envy needless and emulation as unlaborious as possible. In one word, the security of the merit system is gravely menaced, and no multitude of words touching a life dedicated to good government can change the fact of this peril, though they may serve, as oft heretofore, to avert the shattering of the strangely persistent mayoral spell.

But the virtual removal of the safeguards of the civil-service law is of a piece with the one ascertainable motif of the Charter,—the flinging away of safeguards of every kind. Apparently, as is known to every horticulturist on Long Island, grafting is at best a slow, tedious, delicate process. The new Charter, in its crusade against grafting, tears things up by the roots, and makes the toilsome operation of grafting a task of supererogation. Other endangered safeguards come to light despite every endeavor to shroud the document in mystifying obscurity. One of the important duties of the Comptroller has been the auditing of all city appropriations to private charities. The present Comptroller has been irksomely watchful in a matter the underlying principles of which the community ought ere long be challenged carefully to reconsider. Such power of audit is hereafter to be disallowed the Comptroller, and is to be transferred to the Department of Charities upon which the heaviest pressure from philanthropic organizations is normally brought to bear. Nor is one's disquietude over this departure entirely allayed upon learning that the newly burdened department is to be re-enforced by the inclusion of the Department of Ambulances, the head of which has

himself been the object of more or less rigid auditing on the part of city investigators.

Again, the records of the Commissioner of Accounts are to be safeguarded from public inspection. That is, the officials are to be protected from the over-vigilant scrutiny of the city, instead of the city being protected by the watchfulness of its officials. The Commissioner of Accounts may be, it has been said, the eye of the city's head. But the head of the city asks that it be permanently bandaged. The office again becomes a sinecure instead of being the terror of sinning officials of the city. This section of the Charter ought fittingly be styled "An Act to make honest and efficient city government impossible."

It remains to consider the so-called educational provisions of the Charter, which have been condemned with unanimity throughout the land, excepting, of course, by its hardy sponsor and some expectant camp-followers. No educator of national distinction or authority favors the creation of a small paid board save again the Mayor. Presidents Lowell and Butler, Dean Balliett and scores of educators have offered unanswerable arguments against the proposed plan, —save as argument was answered by querulous iteration and reasoned opposition confuted by ill-mannered invective. No one maintains that the present board as constituted is an effective working body. It is numerically unwieldy. New York ought to have a smaller board. But that its members should remain unpaid is the consensus of the best educational opinion in the nation as well as the solemn warning of our foremost educators. Moreover, Mayor Gaynor's repeated statements of his inability to secure efficient men and women for an unpaid board is an insult to the citizenship of New York and only incidentally an unpremeditated tribute to the discernment of such citizens as have heretofore hesitated to participate in the stir and splendor of the present city régime. It constitutes an intolerable aspersion upon the character of American citizenship. If it were true, as it is false, it were the knell of democracy.

One is wont to associate charter with liberty, with the demands of freemen looking to and furthering the end of self-government. Such was Magna Charta. Such should be the charter of every body of democratic freemen. The Charter which it is planned to impose upon the municipality of New York is not an instrument of freedom, but an in-

strument of administrative tyranny. It is incarnate of political cunning and greed. The acceptance of this Charter of official oppression were to proclaim the failure of democratic self-government.

It was said at the outset of this article that the citizenship of New York was not yet to be held blameworthy touching the proposed Charter. That the electorate of New York would pass affirmatively upon this Charter, if submitted at the November polls, is incredible, unless the sustaining vote should, with the help of the new Elections Bill, be re-enforced *ad hoc* by gentlemen of leisure imported for a time from neighboring cities. But even if the city be denied the opportunity, rightfully its own, of deciding on the terms under which it is to live, it may lift up its voice and protest with unmistakable decision against this contemptibly insolent manifestation of civic Cæsarism.

True, the Legislature cannot permanently fasten this extemporized code upon New York. Its passage at the special session of September—unless it be denatured, that is—would presage the slaughter at the fall elections of the perpetrators of this insult upon the civic intelligence and integrity of New York. But it must not be enacted into law. Let not our representatives at Albany dare to force and foist this document upon the first city in the nation. We are not living in the days of Tweed nor of Croker, though the one have its clumsy imitators and the other his lamenting servitors, and an indignant and aroused citizenship will cry out if this infamous deed be done.

Finally, if the triple alliance, Mayor, leaders of Tammany Hall and the Legislature,—and it is honoring to the Legislature to class it as an ally of its masters,—be obdurate, the appeal of the people must be to the Governor of the State to avert this civic calamity for the good of his party and the honor of the commonwealth. It must needs be said to the Governor and the Legislature of the State of New York and to the Mayor of the city, let them beware lest it be found needful to fit their case by paraphrasing the classic "chartered libertines," and they earn the contemptuous remembrance which waits upon betrayal by such as are appointed to safeguard the city under the name and title,—libertine Charter-makers.

Stephen S. Wise.

LYRICS OF LATE LOVE

BY ELEANOUR NORTON

I

Beloved, hush. . . .
Here's music softer than Apollo's lyre!
For now repeats the liquid-noted thrush
Those small, delicious, chordless harmonies
That tremble through the trees,
And break against the bosom of the briar;
O thou, Embodied Rapture, sing again
That rounded rhapsody, so rich in pure desire,
And yet, by love, redeemèd from all pain!

II

I did not know the heart could hold
A pain so dear, a joy so deep,
That all the past could fall to sleep
And life become a blaze of gold!

I did not know a touch could send
Such sudden glory through the soul,
That Heav'n and Earth becomes a whole,
And Love a wonder—without end.

I did not know the twilight-hour
Was hung with balm, was paved with bliss,
Because one mouth's imperious flower
Slow shaped, and trembled to a kiss.

III

Hush thou thy music, Nightingale,
Sing not again.
For she who loved your songs is dead,
For one belovèd heart hath fled
Its earthly pain.
Go, lull the waves, enchant the rose
With melody;
Go, sing to those who may not know
The weight of an immortal woe
—But not to me.

IV

Because I watched, through frozen tears,
The One Belovèd die,
I shrink before the unborn years,
The scents of sea and sky.

For all the visions of the night
When we are most alone,
Of rapture that we have not felt,
Of joys we have not known;

And all the dreams of Love's delight
And Love's divine distress
Fade not within the heart that clasps
Eternal loneliness.

ELEANOUR NORTON.

THE MAJOR BENEFICENCE

BY R. FULTON CUTTING

The press has figured the total of the benefactions of two men in the last few years at more than three hundred million dollars. This phenomenal public service by private citizens certainly adds to one's pride in the political institutions which have contributed to produce and stimulate the sense of the responsibility of wealth expressed by these gifts. These benefactions have, moreover, been made with rare sagacity and are, in a great part, calculated to raise the level of intelligence and to supply a more competent and rational democracy. In so far as they aim to increase the capacity of the individual by the educational agencies of the school, the college and the library their scope is national; but have the institutions created by these phenomenal benefactions produced a result comparable with the public service that might be rendered by equal outlays through Government?

Twenty years ago Germany was losing vigorous and enterprising men and women by the hundred thousand who went to help the States of the Western Hemisphere rival her commerce and industry. To-day, through her system of vocational training, she has begotten a generation of tradesmen, mechanics and engineers that have transformed her from an agricultural to a manufacturing country, and their dexterity has not only captured for her an increased share of international trade, but has developed a home market that supplies her proletariat with employment and has, for the present, effectually stopped emigration. And this in spite of an increase in population since 1870 of more than twenty millions. The industrial development of Germany has created for her a new economic life: it is the phenomenon of modern industrial history. The genius of her statesmen has conserved the resources she used to squander upon the nurture and education of the millions she

exiled. Her people now remain in the fatherland and are the consumers of her own products.

But the economic prosperity of a nation as such is not always reflected in the welfare of the whole people. In Lord Rosebery's *Life of Pitt* he relates an instructive anecdote. In the plenitude of his power, the Prime Minister when visiting an associate referred, with pardonable gratification, to the greatness and prosperity of England; he pointed to the evidences of her wealth, her growing commerce, her international influence. His friend made no reply, but the next day drove him through a neighboring town in which basket-making was the principal industry. He showed the great statesman its narrow and dirty streets, bordered with squalid habitations, its ill-fed, half-clothed people, its panorama of hopeless poverty. Pitt at once grasped the meaning of the lesson and soon presented a bill in Parliament so radical in its propositions for the relief of the poor that England has hardly yet reached up to the measure of its beneficence. The suffering he aimed to ameliorate continued far too generally to affect the wage-earners during the early nineteenth century, while the nation's wealth was multiplying phenomenally.

Germany's progress is, in contrast, illuminated by a practical solicitude for the welfare of the wage-earner that is quite unparalleled. While the fact that there is actually more immigration into Germany than emigration from it demonstrates the comparative prosperity of the poor, there are many characteristics of her social life that attest the genuine determination of the Government to fulfil its obligations to the least fortunate members of the State. The scientific system of contributive insurance against sickness, accident, infirmity and old age is full of significance. The magnitude of this self-help through Government co-operation is impressive. In 1908, $67,500,000 were paid out in sick benefits and hospital service to wage-earners, of whom some 13,000,000 were in contributive co-operation with the Government. Since 1891, $330,000,000 has been distributed in old-age and infirmity pensions, $210,000,000 of which was contributed by employers and employees and $120,000,000 by the State. The last returns show that 14,400,000 individuals are insured in this class and the State now holds $350,000,000 of capital for this insurance. It is interesting to note that competent students declare the measurable re-

lief from the anxious forecast of indigent old age and the disasters of accident and illness has actually increased the proficiency of labor. Insurance has, moreover, encouraged providence. The number of depositors has steadily increased and their average deposits are now twice as much per capita as those in England, while at the same time the per capita of poor relief in Germany is less than one-half of that in England. There is, in fact, every indication that the social-betterment policy which Germany has adopted and so vigorously pursued has increased the wealth of the whole country and enhanced the welfare of every class. The revenue from the income tax is increasing, notably from those whose incomes are of moderate amount. There has been a marked expansion in the variety and quantity of the better kinds of food consumed. The value of taxable property in 1892 was $1,420,000,000; in 1906, $2,550,000,000. In the last twenty years imports have increased from $1,100,000,000 to $2,075,000,000, and exports from $890,000,000 to $1,750,000,000.

Germany has achieved these extraordinary results by establishing a closer relationship between science and government than exists anywhere else in the world. Her statecraft is in the hands of experts. The professors of her classical and technical universities are officers of the Government, and several of those connected with the University of Berlin have seats in the Reichstag and in the Prussian legislature. The mayoralty is a profession, and municipal chief executives are promoted from the smaller to the larger cities as they demonstrate their capacity for greater responsibilities. For example, some time ago the following advertisement appeared in several Cologne newspapers:

"As the undersigned will be retired under the pension law on the 4th of October, 1900, the position of mayor of the city of Gladbach will thereby become vacant. Candidates who have passed the state examinations for the higher judicial or administrative career, and who have had experience in the administration of a large city, are requested to send in their applications by the 20th of March. The salary is 10,000 marks, with right to a pension and 1,500 marks additional for expenses."

Legislative enactments are intended to be genuinely operative and not merely expressive of moral sentiment. The measures are first drafted by men qualified by experience as well as study and who can be trusted to make the actual purpose unmistakable. How different has been the studied

and gradual development of Germany's insurance policy from the plunge made by England into old-age pensions under the pressure of political expediency!

And all this has been done by a Government that is virtually an oligarchy — a benevolent, patriotic, intelligent oligarchy. Is it possible in a democracy? Our political history has not yet demonstrated it. Mr. Lecky did not think so when he wrote *Democracy and Liberty*. Many of his criticisms of popular sovereignty are undeniably well founded, for the success we have thus far attained has cost us dear. "Money to burn" has carried us through, in spite of inefficient, extravagant and dishonest administration. It is true the last few years have disclosed a rising tide in the popular appreciation of talent in public office, but at the rate we are progressing we shall not reach Germany's status in a half-century. Is there, then, for us no short cut to government by experts?

In 1901 the people elected Seth Low, Mayor of New York. He brought to this high office capacity, integrity, industry and wide experience. He selected subordinates for their specific qualifications and high character. The two years of his administration set a new standard of official morality, but in economy and efficiency it failed to realize public expectation. It was compelled to operate with a business system obsolete or framed to mislead rather than to enlighten the responsible officials. The great body of employees, largely protected by the civil-service law and unsympathetic with reform, made no effort to hold up the hands of the department heads. These in turn, because responsible for the conduct of daily business and occupied with large policies, could not devote themselves to the reorganization of a force of fifty thousand unwilling employees. The wonder is Mayor Low accomplished what he did in his short but memorable administration. His mayoralty, however, conclusively disclosed the insufficiency of reform by the ballot. The man without the machinery, animated by the noblest ambitions, is compelled to pursue them with an antiquated, rusty, unreliable mechanism that paralyzes progress.

During Mr. McClellan's administration there was organized the Bureau of Municipal Research. The purpose of this organization is co-operation with the city authorities to discover the whole truth about municipal misgovernment and to propose constructive measures which will reform

abuses and increase efficiency. The Bureau's financial independence and its freedom from political affiliation enable it to present its conclusions dispassionately and without compromise. With rare exceptions, it has found the department heads ready to accept its services, and under both the last and present administration it has enjoyed the co-operation of the city's chief executives. With its co-operation the capable men who have filled the office of comptroller for the last five years have worked out a scientific organization of the finance department that has enabled them to render the city extraordinary service. To this work is largely due the fact that, for a $621,000 budget increase in administrative expense for 1911 the city will secure a greater increase in quantity and quality of service rendered than for the increases of $3,500,000 to $8,000,000 of the preceding seven years. The readiness of high city officials to profit by the services of an expert citizen agency has been one of the Bureau's discoveries. Even in the case of Borough President Ahearn, who was removed from office by the Governor, its disclosures led to requests for co-operation rather than to open hostility. To give other cities the benefit of New York's experience ex-Comptroller Herman A. Metz established a fund of $10,000 a year for three years to promote efficient municipal accounting and reporting in the United States.

That our municipal governments are not yet competent or disposed to correct the defects in their administrative systems is undeniable, and, unaided, the best disposition of their executive officers will not materially hasten the scientific reorganization of their corporate business.

The nation is making a serious attempt to do this. At the request of President Taft, Dr. F. A. Cleveland—one of the principal officials of the Bureau of Municipal Research—has been yielded by it to Washington and is heading the President's expert staff in pointing the way to the business reorganization of Federal administration upon the lines pursued by the Bureau in city affairs.

What the city of New York has accomplished with the co-operation of the Bureau of Municipal Research is a matter of public record and need not be recapitulated, and yet it is only on the threshold of achievement, since the reforms achieved have hardly commenced to realize their possibilities.

The cities of Philadelphia, Cincinnati, Chicago and At-

lanta have also established research bureaus locally supported, and other cities are clamoring for trained men to do similar work. Unfortunately the New York Bureau, which has supplied managers for several of the bureaus named, cannot further cripple its own force to respond to the demands upon it. The profession of a municipal researcher—investigator and accountant with a constructive social point of view—is new, and the necessity of a training-school for such men is apparent. The spread of this policy is a long step in the path of the relation of science and government in which Germany has led the way. The extension of the Bureau's method is illimitable if the patriotism of our people proves equal to its support. Its non-political basis takes it out of the domain of partiality or prejudice. The expert quality of its working force and its policy of co-operation with authority insure to it an open door. But its possibilities of beneficence will never commend themselves to the politician. Science in public business does not yet appeal to the imagination of the electorate. Campaigns demand a more dramatic policy. Research and constructive methods must be supported by individuals if not endowed by some patriot who appreciates misgovernment's criminal injustice to the poor and the waste of resources that might be wisely expended to increase their comfort, to improve their health and to enlarge their opportunity. Honest wealth has to-day, through this agency, an opportunity for public service hitherto virtually denied it. Some of the vast sums contributed to private charity, because government afforded no opening for their wider utilization, may safely travel through this channel.

In an address delivered in Birmingham twenty years ago the Right Honorable Joseph Chamberlain declared "the hope of the future rests in the recognition by the community of the obligation which it owes to its poorest and weakest members." Sooner or later we shall be compelled to fulfil these obligations, and the first step forward must be the conservation of the resources we have been so recklessly squandering. Shall our democracy rival the German oligarchy in the business of social uplift?

R. Fulton Cutting.

MEXICO AFTER DIAZ

BY STEPHEN BONSAL

THE causes of the discontent with the present provisional régime in Mexico are not far to seek. They are none the less real factors in the situation because they could have been foreseen or because they are for the most part unavoidable. As long as Diaz remained in power and the capture of his stronghold was obviously the first step to be taken, the revolutionary groups presented an united front and they seemed to be entirely in accord as to the purpose as well as to the methods of the revolution.

In the hour of victory, however, divergences of opinion appeared. In Mexico a successful revolution has always been a law unto itself, and a slightly modified form of the biblical *vae victis* regarded as a reasonable proposition with which even the vanquished were not inclined to quarrel. But the platform of the provisional government which, as it existed by his favor, Madero naturally inspired, approached the task with far less drastic remedies than had been expected, and, as is now apparent in some quarters, these measures have proved far from satisfying.

Provisional administrations were hastily installed in the various States to run matters on a hand-to-mouth system until at the October election the people could be consulted as to their wishes. The promise of effective suffrage, which, in Mexico at least, is regarded as manhood suffrage, was repeated, as was also the " no re-election " legend which had been inscribed upon so many banners. But it cannot be disguised that to a people of optimistic temperament like the Mexicans the first-fruits of the revolutionary harvest were meager as to bulk and disappointing as to taste. Instead of the immediate restitution which the Chihuahua ranchman who had been robbed of his estate, or the hemp grower in Yucatan whose plantation was confiscated, had expected, the

revolutionists were told that they must content themselves with a régime under which the recurrence of similar wrongs would be impossible and with an opportunity of getting back by due process of law what had been taken from them, by addressing themselves to the very courts which tacitly, at least, had sanctioned the robberies of which they complained.

While public attention followed closely the revolution in Portugal, owing to the interesting personalities involved, the struggle for control in Mexico passed almost unnoticed until it entailed practically the mobilization of our whole regular army. I hold to the opinion that the revolution had to come sooner or later, and that, as there was nothing of educational value in the Diaz régime, which had long outlived its former usefulness, the sooner it came the better for us and all others concerned. Without wishing in the least to detract from the skill with which the whole Mexican situation was handled by the administration, or from Ambassador Wilson's trained diplomacy, to which we all owe a debt of gratitude, I am still of the opinion that had not the sympathy of our border population been overwhelmingly with the revolutionists, and had they not recognized that intervention on our part would have been the salvation of the Diaz régime, the situation would have passed out of official control and intervention become a fact. As it was, the revolution cost the lives of twenty American citizens, who were killed while following their vocations on American soil, and of at least forty other non-combatant Americans, working for their daily bread in Mexico. Our losses from the destruction of property and disturbance to business run into the millions; so it would seem to be plain that the outbreak of another revolution, a possibility quite openly discussed to-day in the Mexican press, is a very intimate concern of ours.

Sentimentalists on both sides of the Rio Grande may regret the disappearance of the desert of Northern Mexico which Benito Juarez, a great man in his day, sought to maintain intact with all its features of pristine inhospitality. Juarez, who was not versed in American politics, credited the desert with stopping Taylor's army after Santa Anna had fled, and in many addresses to his people he insisted upon the value of this natural and, as he thought, insurmountable barrier between a strong, masterful power and a weak one. To-day, however, the desert has vanished, and the two countries have grown very close together. The daily relations

between our Southwest and the Mexican Republic are thought by many to be closer and of greater value than those which exist between many of our groups of States at home. The desert, shorn of its dangers, is traversed by railways which in efficiency and capacity compare favorably with many of our trunk lines. Every day the potential wealth of the country is more clearly realized, and every day becomes more marked the southward migration of our people following the great railways and the coast lines. In fact, large districts of the country in Tamaulipas, Tehuantepec, and elsewhere have been divested of all Mexican characteristics. They are largely owned and occupied by our people and appear to be detached portions of our country.

Even during the more acute phases of the revolution, when travel and even residence in Mexico was not without danger for foreigners as well as for natives, the home-seeking excursions of American farmers and miners spying out the cheap, fertile lands and the undeveloped treasure hardly suffered any decrease. The revolution did not stop this migration, and the sum of our investments, estimated at one thousand millions, and the number of our citizens probably greatly exceeding the official figures of fifty thousand, are increasing every day. These are not filibusterers, these fifty thousand men, neither are they adventurers. They have done nothing to invalidate their citizenship, and they have the same right to the protection of our Government as their brothers who are seeking their fortunes in the British dominions on the north. Every year our mining schools and our agricultural colleges are sending out into the world thousands of young men of whom a large and increasing proportion take the southward path which leads to opportunity to-day. This is a natural movement which cannot be controlled by officials in either Washington or Mexico.

That this movement is welcomed by the intelligent classes of Mexican society to-day cannot be denied, though the Porfirista news channels through which, unfortunately, the greater part of Mexican news filters out into foreign lands, hint darkly at the organization of a great anti-foreign party which bodes ill to foreign interests in the country. The answer to this is that the educated classes in our sister republic are much more numerous than one would gather to be the case from a careful scrutiny of the official statistics published by the Diaz régime. It is always well to remember

that these appalling figures of illiteracy and the tableaux which show the brutality of the peon classes were drawn up with an entire disregard for truth, and for the sole purpose of justifying the absolute exclusion of all classes of citizens from any share in their own government, all but a few subservient individuals who obeyed the Dictator's slightest nod.

It should be mentioned to his credit that Madero has met the anti-foreign issue with characteristic frankness and honesty. To-day while the throes of the great revolution which convulsed the country are only beginning to subside, and with the first and indeed the only general election that has ever been held in the country but six weeks away, he never fails in his public utterances or in private conversations to recognize the immense services which foreign capital and engineering skill have rendered to his country. He invites a continuance of these services, and solemnly promises to respect all rights which have been honestly acquired by aliens.

During the recent crisis, when, for a moment at least, it looked as if the sudden flight of Diaz and the complete collapse of his administration would wreck the country, there was open and frank discussion in Washington and in the press throughout the United States as to what were the responsibilities our Government had incurred toward our citizens who had not hesitated to venture either their lives or their savings in Mexico, and the old cry was raised, "Let the investor beware—*caveat emptor.*" Happily action upon this issue has not as yet been required, because the provisional government during its first three months has been able to preserve peace and enforce law and order, at least as well as did the Diaz régime during its last phase of power.

But whatever may be the action of our Government in defense of individual investments should a state of anarchy arise in Mexico, there are certainly other interests at stake whose encouragement and preservation are a national duty which admits of no compromise. I refer, of course, to the development by our California pioneers of the Huasteca oil-fields which extend along the Gulf littoral from north of Tampico to south of Vera Cruz. The development of the last five years reveals these oil-fields as the greatest reservoir of cheap power which the world has ever seen, or is likely to see. In comparison with their possibilities the oil-fields of Baku have but the value of a donkey engine as compared to

a Corliss giant, and oil-burning freighters promise to work an economic revolution in steam navigation. With this development the whole complexion and future of the Caribbean world has undergone a change. If this oil-fuel can be laid down at Panama, as is claimed it can be, for fifty per cent. less than the equivalent in coal, the commercial success of the Panama Canal, undreamed of five years ago, is assured. Certainly a cause of rejoicing to the American taxpayer and to everybody concerned, except perhaps the shareholders in the Suez Canal.

Many of the present embarrassing features of the situation are not due either in whole or in part to the unfitness or unpreparedness of the Mexican people for self-government. They are the direct consequence of the pure motives which have inspired Don Francisco Madero and of the high ideals which he has pursued. Human nature being what it is, in Mexico as well as elsewhere, the doctrine which Madero presented to his followers in the hour of victory, that to the victors do not belong the spoils, did not excite unbounded enthusiasm. Indeed in many circles it added weight to the charge already brought with frequency against Madero that he was a dreamer in politics and a philosopher of the study rather than a practical leader of men. Another embarrassment was created by the fact that this was a civilian revolution against a military despotism. It was this feature of the Madero revolt that had appealed to the best people of Mexico. It was a rising of theoretically free-born citizens against the military chief who remained in power intrenched behind the bayonets of convict soldiers and by whom the people of the country were practically enslaved.

This lofty note having been struck in the war plan published at San Luis Potosí, such a break with the Central-American tradition and practice having been made, the revolution could not end, as had so many in Mexico and adjacent States, by a more or less equitable distribution of the offices and spoils among the victors, though such a course would have undoubtedly led to an immediate, if only temporary, pacification of the country. I have the best of reasons for knowing that Madero was fully alive to the dangers of the choice which he made when confronted by the horns of this dilemma. He never wavered, however, in his confidence in his people, and once Diaz had disappeared from the scene he disbanded the fifty thousand successful revolutionists, with the excep-

tion of a few hundred who were admitted into the rural police, and sent them to their homes. They went with the consciousness of duty done and a promise of improved conditions, but with little or no immediate and tangible reward. And in a military sense the defeated cohorts of Diaz, as represented in the regular federal army, remained masters of the situation.

Of course it was planned by the provisional government to withdraw from the colors all men who had been drafted into the regular federal army, or men whose military service was being accepted in lieu of prison sentence; but with many other problems at hand pressing for solution, very little progress seems to have been made in the way of putting this plan into operation. So powerful was the course of events, so confident was Madero in the integrity of his people and the almost absolute unanimity of their acceptance of his plan and platform, that at a time when his country was, and indeed any other country under similar circumstances would have been, the scene of great disorders and an attractive field for those uneasy spirits who fish in troubled waters, and as the elections approached, which there was no reason to believe would take an entirely placid course, he placed the army, which is practically the police power, in the hands of the defeated party. The importance of this step can, of course, be greatly exaggerated, but it is certain that it gave to the people who had defended the despotic régime until its collapse a strong position from which to oppose or hamper the enforcement of the revolutionary reforms.

Madero's conduct in this respect may have been quixotic, and it is certain that many of the troubles by which the new régime is hampered would have been obviated by the taking of a less confiding, a less lawful, course. Believing that the civil would never again become subordinate to the military arm of the government, Madero overlooked the undoubted power which in a country like Mexico is derived from the support and adherence of an army of twenty thousand men, however poorly educated they may be, and however faulty their equipment, and however out of touch they may be with the political aspirations of the people. Madero also paid his people the high compliment of expecting from them a keener political sense and a greater measure of self-control than they have been able to compass, surprisingly

great as have been their achievements in both these directions. The popular ferment and unrest so noticeable to-day in many parts of Mexico is undoubtedly, in part at least, a consequence of the great demands of self-restraint which the revolutionary chief has made upon the people; and while conditions are admittedly disquieting, they are certainly preferable to the hopeless gloom and discontent which would have possessed the better classes of Mexican society had the higher ideals of their idolized leader been completely shattered, as so many observers of Mexican affairs did not hesitate to prophesy they would be, by the first impact with reality.

This little Mexican gentleman is an interesting and a profitable study even from this side of the border. He neither smokes nor attends bull-fights. He abhors the barbaric pomp with which Diaz loved to surround himself. He is not a friend of lotteries, and he plans the end of the pulque traffic. He has never mixed with men, yet he has been able to placate more conflicting interests and clashing groups than Diaz did in his thirty years of power. He risked friends, family and fortune at the call of duty in the revolutionary game at which he was a mere tyro, a somewhat ludicrous one as Diaz thought. He is reasonable where his personal position or preferment are concerned. He would like to take a back seat and spend his days in his library, but once you trench upon his ideals the little man is adamant, as Mexican politicians are finding out every day to their sorrow and discontent.

There are, however, men in Mexico quite as patriotic as Madero and no more corrupted by politics than he, who look upon the vacillating course of the provisional government and the development of the Madero policies with misgivings which they no longer attempt to conceal. It is an undeniable advantage that now at last an authoritative voice has made itself heard above the tumult of discussion and recrimination.

As much as, and perhaps more than, any other man outside of the Madero family, Don José Vasconcelos contributed to the success of the revolution. His popularity is undoubted and deserved, and the open letter in which after two months' trial he takes the provisional government to task has created an immense sensation in Mexico. Vasconcelos regrets the imprisonment of several revolutionary leaders. While ad-

mitting that they had committed technical offenses, he asserts that the strong arm of the law had better, much better, have been first extended in quite another direction. He calls upon the Minister of the Interior to arrest and bring to speedy trial the former Governor of Puebla, whom he describes as "the murderer of Serdan, the tool of Diaz, a bushwhacker on the public roads and an embezzler of public funds."

He asserts that the recent tragic occurrences in Puebla are repetitions of things that happened under the misrule of the despot, which he characterizes as having been the most bloody and bloodthirsty régime in history. He regrets that even to-day the same threadbare pretexts are advanced to justify what he regards as unprovoked slaughter. He sees on every side the same methods and the same men as of before the revolution. He demands the arrest and trial of Colonel Blanquet, who was in command of Puebla and is a Porfirista. He claims that people will not believe in the justice of the revolutionary cause so long as men like Blanquet and Luque wear the uniform of general. "We recognize," continues Vasconcelos, "the honesty of your purpose and the purity of your intentions." The letter, though published in all the papers, is addressed to the Minister of the Interior, Dr. Emilio Vasquez Gomez. "But, Mr. Minister, your friends, your admirers and your fellow-citizens have seen your arm tremble. You have shown that you lack the holy wrath of the Redeemed. You have demonstrated that you cannot dispense the bolt-like justice which strikes terror to the evil-doer, nor yet the consuming fire of Jehovah which cuts down and purifies. You have been inexorable in the punishment of several of our generous leaders, who, it would appear, have violated legal formalities. Still, they meted out substantial punishment to the evil-doers, and provided that effective justice which the people demand. It is the deplorable situation to-day that our noble leaders are imprisoned, while so many of the immensely guilty are at liberty to conspire and are conspiring against the revolution. Mr. Minister: the oppressed and the expropriated, who thought they had come into their own again, do not care to listen to all this talk of legal formalities, because they know that it was behind the shield of these very laws that Don Porfirio committed his countless atrocities. Our people know full well the cynical impudence with which

the little lawyer politicians of Mexico and Central America justify by law all manner of infamous actions.

"The people of Mexico do not think this a fitting moment to discuss questions of international law, but they call upon you to do frank justice even in defiance of the law should such a course be necessary.

"When our laws are such and when our institutions have their origin in the polluted well of the Porfirista régime, it becomes the duty to spurn them, to trample them under foot. A certain section of the press is calling for the union of all Mexicans, and claims to be interpreting your policy, but you should remember that before the desired union can be brought about a certain policy of selection has to be realized. It certainly can be said without injustice and without passion that union with those who deserve the gallows or at least the prison is neither honorable nor possible. You should not interpret this patriotic desire for union as meaning reconciliation with Martinism or with any of the despicable factions of Porfirioism. The country merely wants the union of all healthy elements and useful factors among our citizens, whether they be liberals or Catholics, ex-Porfiristas and Cientificos (if there are any good ones)—in a word, the union of all men of good faith without distinction of opinions, but always with the rigid exclusion of those who have committed punishable deeds which still cry out for justice."

This letter is undoubtedly the most illuminating document that has come out of Mexico since the enforced resignation of President Diaz. It is valuable as much for the frame of mind which it reveals as from the statement of facts, as seen at least by one distinguished leader of the revolution, which it contains. Obviously the complete avoidance of reprisals upon the agents of Diaz which Madero has insisted upon has not given universal satisfaction. He has told his people to leave these hangmen and executioners of Diaz' decrees to popular contempt, but the widows and the orphans and their friends cry out for something more, in accordance with the old traditions which are so hard to outlive.

The occasion of this letter, and of much of the popular excitement which has followed it, was the clash at Puebla between federal soldiers and revolutionists which resulted in the death of many score of the latter and of their sym-

pathizers. The facts are not quite plain to this day, but it would appear that the revolutionists of Puebla, who were early in the field and are of an extremely radical type, becoming disgusted with what they considered the irresolute course of the provisional government, made an attack on the penitentiary, which was successfully resisted by regular soldiers under the command of Colonel Blanquet, who, it would seem, was a favorite of Diaz. Some think that the revolutionists merely intended to release a few of their former comrades in duress for minor offenses; by others it is maintained that a lynching party was planned. Be this as it may, it is evident that Colonel Blanquet only did his duty as a soldier, and that he should be sustained rather than cashiered or dismissed. It is also clear, however, from the disturbances which have followed and the bitter feelings which the shooting has aroused, that it was most unwise to leave a Porfirista colonel and a garrison of the defeated regulars in a position where they could with impunity, and undoubtedly with keen enjoyment did, shoot down a hundred of their conquerors, perhaps merely intent upon a jail delivery, certainly a sympathetic and laudable enterprise in the eyes of many Mexicans at this moment, exasperated by the slower processes of law.

One result of the shooting, and of the tempestuous letter of Vasconcelos given in part above, has been the retirement of Don Emilio Vasquez Gomez from the Ministry of the Interior. Don Emilio is a brother of Dr. Francisco Vasquez Gomez, who was often characterized as the wheelhorse of the revolution and is now Minister of Education. The retirement of Don Emilio, who lacked ministerial qualities, has been made the occasion of a general examination into and report upon revolutionary progress as it goes on behind the thin veil of the provisional régime.

On the credit side of the ledger several very satisfactory entries have been made. They have passed unnoticed by us, and are even in danger of being overlooked by the Mexicans themselves. Peaceable elections have been held in the States of Campeche and Querétaro. In both the Madero party has triumphed, and, what is more significant, the defeated partisans are loud in their praise of the fairness with which the first real elections in Mexico were held. The victory of the Liberals and the Progressives in Querétaro is an especial subject of congratulation, because it is

admitted on all sides that this State was the stronghold of the Church party, whose organization, numbers and wealth Diaz always held up as a warning to those few of his followers who wished him to modernize his methods. With manhood suffrage, the despot maintained, the Clericals would outvote the Liberals; so he had his police do all the voting, and remained in power.

In Chihuahua, where, undoubtedly owing to proximity to the United States and to the fact that so many of its inhabitants have sojourned for years in Texas, and are consequently politically more efficient than the average Mexican, law and order has been maintained, the administration completely remodeled and the forms of legal procedure simplified. Several of the great territorial lords have been brought to court and will have to stand trial on charges of various crimes and misdemeanors, the popular belief in the truthfulness of which was certainly one of the most active recruiting agencies of the revolution. Strikes are breaking out and are being threatened with alarming frequency, but it should not be forgotten, as it has been, that Madero settled the most important strike that the country has ever known, that of the street railways in the City of Mexico, upon terms that were just and honorable to both parties. It must have been discouraging, however, for the Mexicans, who attach considerable importance to American press opinion, to read in a great New York paper recently a lament for the Diaz régime, under which strikes never occurred. Still the Mexicans at least have not forgotten the barbarous shooting down of strikers under Diaz' orders at Rio Blanco and Cananea, and they recognize that these arbitrary and bloodthirsty actions were one of the most potent causes of the revolution.

Undeniably the present is full of difficulties, and the future is overhung with clouds, some of them pretty dark ones. A people who have been politically gagged and straitjacketed are suddenly called upon to live and let live under the freest institutions. It is a tremendous ordeal which chance or destiny has imposed. It would be something revolutionary in revolutions if set-backs were not frequent. There are, however, rainbows of promise too, which I perhaps am inclined to over-emphasize, seeing, as I do, that the darker side of the picture is more frequently drawn—perhaps I am justified in saying overdrawn—in the American

press. One of the most hopeful features is the fact that in Mexico there does not exist the abyss between the energetic peon class and the highly educated classes which is a characteristic of so many Latin-American States. A remarkable demonstration of this fraternity was given on the 24th and 25th of May when the populace of the City of Mexico, exasperated by the double-dealing and tergiversations of President Diaz' lieutenants, took possession of the City of Mexico, no one opposing, and were, there can be no denial, on the point of murdering the stubborn despot and reducing his city to a heap of ashes. The students, the young officers, school-teachers, men and women, joined themselves with the charging mobs and turned what promised to be a day of disaster into a day of honor for Mexican democracy. There must be hope for a people who, when exasperated beyond measure and in full control, can listen to the voice of reason, extinguish their torches, lay down their bludgeons and sheath their knives. From that hour I was converted to the belief that, though with many painful incidents and disheartening vicissitudes, the Mexican people will yet work out their salvation, and have by their many sacrifices at least earned the right to try.

Another and even more hopeful sign is the whole-souled love and appreciation of education which is the characteristic of all Mexicans, and is particularly strong in the lower or less fortunate classes. This thirst for knowledge is quite as strong in Mexico to-day as it was in the Japan of a generation ago. While the Mexican may not have the rare persistence of the Japanese peasant, who is ever willing to starve his body to feed his mind, the peon has certainly a quicker intelligence and greater aptitudes. The Mexicans have much affinity with the Japanese, and an understanding of and sympathy for them which is proved up to the hilt whenever the two peoples come into contact. "Why, these are not foreigners, these are our own people," shouted the peons, as during the recent celebrations the Japanese marines and blue-jackets marched through their streets. Some think, of course, that the Mexican peon is not of such stern stuff as is his cousin from the rising sun. Time alone, however, can prove or disprove this.

But there is an awakening among the Mexicans, a growing appreciation of their fortunate situation. They are beginning to recognize that they are possessed of one of the most

desirable and potentially rich countries of the world. They have seen the wealth of their country unlocked and converted into comfort, well-being, and education and other desirable things by the stranger that is within their gates, and they would follow his example. They recognize that their greatest need is education, and when Dr. Francisco Vasquez Gomez, the first of the revolutionary leaders to return to the capital, told the hundred thousand people who waited his coming for many hours, though half clad and in a chilling rain, "We will build schools, and we will build roads. Every road will lead to a school, out of every school a road will lead to higher things. We have nothing to fear in Mexico but ignorance, and that, if we work together, we will annihilate." The people cheered and cried, cried and cheered. When I asked an American with large and varied business affairs in the republic who in war and peace could always keep his people at work, scattered as they were throughout the country, and without close supervision, how he did it, he answered: "This is all my secret. Whenever a man is the least bit promising, I put his children to school. If necessary, we clothe the children, arrange the dreadful formalities. It only costs a little money and a little time, but it is a wonderful investment. I should hate to tell you what a percentage it pays me. The father and mother are remade, and the whole family is bound to the job by ties which are stronger than bonds of steel."

I myself have seen a patient woman fishing out her befuddled husband and lord from the stupid herd outside a pulque-shop, that curse of Mexico which, unless controlled, or, better still, eradicated, will blight the fair promise of the land, and, while picking out her particular unfortunate, I heard her say, "Dionysio, how can you do this thing, you who are the father of children who are learning to read?" And Dionysio, though befuddled, seemed ashamed and made visible efforts to pull himself together. To-day in Mexico, if only the great majority would ever bear in mind that they are the fathers of children who under favorable auspices may learn to read and run the race of life along a higher course, all the handicaps of heredity and of environment will weigh as nothing. Mexico will get on its feet again and will stand alone to its lasting advantage and ours.

STEPHEN BONSAL.

THE ALDRICH BANKING PLAN AS IT AFFECTS THE PEOPLE

BY WILBER L. STONEX

THE most of the articles appearing in the public prints concerning the Aldrich money and banking plan have been written by representatives of the banking interests, and except in minor details it is approved by them. I cannot, indeed, now recall having seen any written by representatives of the people. Yet it is important to remember that the relation existing between a banker and the patron of a bank is very much the same as that between buyer and seller—their interests are necessarily antagonistic. The borrower wants to get money at the lowest possible rate and the lender naturally wants to receive the highest. In any particular case the rate will naturally depend upon the available supply of money, although the rate may be arbitrarily fixed by an agreement between lenders regardless of the supply.

And considering the subject as a national problem, we must not forget that the borrowers always greatly exceed the lenders in number, and that a fundamental principle of political science is that the highest purpose of every civil government ought to be to secure the greatest good to the greatest number.

The world's experience is that in this particular—the obtaining at a fair price of their needed medium of exchange—the interests of the many, if cared for at all, must be cared for by the people as a whole acting through their Government.

An examination of Mr. Aldrich's proposed banking law shows that he would take from the people and give to the bankers the absolute control of the people's money. His plan is to place the final decision of such a vital question,

for instance, as the amount of money to be put in circulation in the hands of a board of forty-five members, not one of whom would hold his position by the votes of the people or of their representatives. Three of the members would be appointive officers of the Government—the Secretary of the Treasury, the Secretary of Commerce and Labor, and the Controller of the Currency. All of the rest would be chosen by the bankers whose banks would hold stock in the central bank, or "reserve association" as it is called, except three, who as officers of this association would be members *ex officio*. Of the others all but twelve may be officers of national banks and the excepted twelve may be directors of such banks. It may safely be assumed that the legislation of this large body would be carried on by methods similar to those prevailing in the Senate, and that if Mr. Aldrich himself were to be the presiding officer it would not be difficult for him, through committees deftly selected, to control its action.

It is apparent that in such a body there would be no opportunity for the people, or their representatives, to make their wishes known effectively if their wishes conflicted with those of the banking interests. It is as if the railroad companies should propose a central governing board composed of railroad officers and directors empowered to fix the traffic rates which the people are to pay; or if the making of the tariff rates should be delegated to a body representing only those who would be benefited by them.

For more than two hundred years there has been a continual controversy between the money-lending class and the people as to the amount of money which should be in circulation, and always, no matter what the amount may have been at any time, the money-lending class has considered it excessive and sought to force a contraction. In the colonial days there was practically no money in the hands of the people until, forced by necessity, the colonies themselves became their people's bankers and began to emit bills of credit for their relief. This was from the first opposed by those who controlled the little supply of money in existence, because it brought them in competition with the public loan offices and reduced the rates of interest. The bills of credit issued by the colonies were in the nature of loans of the public credit to those needing money who were able to give security for the repayment of the loans. As the loans were

repaid the bills were generally canceled by the loan officers and retired from circulation, or "sunk" as it was termed.

Franklin, in his *Autobiography,* tells of this controversy between the lenders and borrowers in 1729 in Pennsylvania and the part he took in it. He says:

"About this time there was a cry among the people for more paper money, only fifteen thousand pounds being extant in the province and that soon to be sunk. The wealthy inhabitants opposed any addition, being against all paper currency."

The principal part taken by Franklin in this controversy consisted in the publication of a pamphlet entitled *The Nature and Necessity of a Paper Currency,* of which he says:

"It was well received by the common people in general, but the rich men disliked it, for it increased and strengthened the clamor for more money."

In this pamphlet he gave the reason for the opposition of the money-lenders:

"Because a plentiful currency will lower interest and make it common to lend on less security."

The advantages of a plentiful currency he thus stated:

"It will tend to enliven trade exceedingly because people will find more profit in employing their money that way than in usury, and many that understand business very well, but have not a stock sufficient of their own, will be encouraged to borrow money to trade with when they can have it at a moderate interest."

In advising as to the issue of paper money and the rate of interest in Pennsylvania he said:

"I cannot see any good reason why four per cent. to the loan office should not be thought sufficient."

The economic principle upon which these colonial bills of credit were issued was the same as that on which our greenbacks are issued; and the method of putting them in circulation was very much the same as with the "*crédit foncier*" now in operation in France and as with the administration of the Advances to Settlers Act of New Zealand. Before the Revolution these bills were issued by all of the colonies and by their aid prosperity became universal. These issues were quite generally suspended during the Revolution at the request of the Continental Congress to give currency to its issues. After the Revolution, when the States began again to issue bills, the old controversy again

arose between the two classes, although the scarcity of money was such that the prevailing interest rate was one per cent. a month, and the manufacturing interests were crushed under it. Professor McMasters, in his *History of the American People,* in describing the alignment of interests in this controversy in the State of New York, says:

"On the one side were the importers, the holders of stock [obligations bearing interest], the speculators in cash as they were called, the moneyed men and the great body of creditors. . . . With the friends of the emission were the shop-keepers in the great towns, the merchants in the country villages, manufacturers, and debtors."

By a combination of the money-lending interests—those who with Hamilton and Morris favored bank emissions to the exclusion of all State issues, and those with Langdon, Ellsworth, and Wilson who opposed all paper issues—the Constitutional Convention kept out of the Constitution the proposed grant of power to the Federal Congress to emit bills of credit, and prohibited their emission by the States. The result was that the ratification of the Constitution left the people with no money but specie, caused a severe contraction of the currency and brought great distress. To provide the needed money, which now only private issues could supply, private banks of issue quickly came into existence. Hamilton, to the fullest extent, favored the principle of paper money, but to be issued by banks rather than by the Government and preferably by a single bank, which, like the bank proposed by Mr. Aldrich, should have entire control of the issue of all bank-notes in circulation. In his report to Congress in which he recommended the chartering of such a bank he unequivocally declared that he favored a plentiful supply of paper currency, even though the result would be to drive out of the country much of the little quantity of coin that was then in it. He said:

"It is certain that the vivification of industry by a full circulation, with the aid of a proper and well-regulated paper credit, may more than compensate for the loss of a part of the gold and silver of a nation."

And he also fully agreed with Franklin as to the benefit to a country of a low rate of interest; and he recommended that the bank which he advised Congress to charter should not be allowed to charge a higher interest or discount rate than six per cent. And he added:

"There is room to question whether the limit ought not rather to be five than six per cent. as proposed. It may with safety be taken for granted

that the former rate would yield an ample dividend, perhaps as much as the latter by the extension it would give to business. The natural effect of low interest is to increase trade and industry, because undertakings of every kind can be prosecuted with greater advantage. This is a truth generally admitted. . . . Everything, therefore, which tends to lower the rate of interest is peculiarly worthy of the cares of legislators."

It may be here noted that the modern fiction that low interest rates are dangerous because they tend to invite speculation had not then been invented.

Unhappily, but as might have been expected, the bank which was chartered on Hamilton's recommendation did not act upon his theory. Instead of assisting to increase the circulation, it endeavored to contract it. It limited its issue of bills to an amount not exceeding the specie held by it; and claiming a monopoly on the issue of bank-notes, it began a fierce attack on the State-chartered banks. The effect of this was to reduce the circulation from $7.77 per capita in 1795 to $6.22 in 1800. The policy of the second Bank of the United States was the same, and the consequences were even more disastrous.

After the expiration of the charter of the first bank, the Government afforded the people some relief by an issue of treasury notes, and private bank circulation was increased. In 1815, four years after the charter of the first Bank of the United States had expired, the per capita circulation had risen to $14.58. The second bank was chartered in 1816. Through its influence the treasury notes were retired, and by 1819 the circulation was contracted to $7.74 per capita, with the result of causing the great industrial and financial panic of that year.

Ever since that time, acting in accordance with the same selfish policy, the whole influence of the money interests has been constantly toward restricting the volume of currency; sometimes by a reduction of interest on the bonds securing circulation and sometimes by a direct tax on the circulation or by both. That a fair amount is now in circulation is due only to the demand of the people enforced through their representatives in Congress.

A contraction of the present volume is, as a matter of course, a part of the Aldrich plan.

This is to be effected by fixing as its permanent volume the present amount of national bank-notes. As no provision seems to be made for its increase as population increases,

the result of the increase of population will be to automatically reduce the per capita amount. I am unable to tell whether it also contemplates the retirement of the greenback, but as this is one of the constant demands of the banking interests, I suspect that it does, and that this is its "joker." One thing is certain, and that is that the banknotes to be issued under Mr. Aldrich's plan are not to be legal tender as between private citizens.

In another respect the Aldrich plan is not, in my opinion, in accord with sound economical principles or conducive to the public welfare. Its system of currency lacks the essential element of practical elasticity—that is, it does not provide a currency which will naturally and quickly adjust itself to the needs of any single community nor even of the entire country. It is this lack of elasticity which is the source of all our panics and the bane of our present system —a condition which exists nowhere else in the world, except to a slight degree in England. The opinion of Hamilton on this subject was the same as that of all economists whose opinions are not dictated by their personal interests. It was that the prime essential in any sound monetary system is that the volume of currency be subject only to the influence of the natural operation of the law of supply and demand. In indicating its application to the emissions of such a bank as he advised Congress to charter he showed that they could never be dangerously large. He said: "If more should be issued than necessary, it will return upon the bank."

Under the Aldrich plan, we are to start with an arbitrarily fixed amount of currency which he clearly considers excessive. If in the opinion of the money-lenders who would be in absolute control of the currency a larger amount should be at any time needed they may issue notes for such amount, but

"the whole or any part of the first $100,000,000 of such notes shall pay to the Government an annual tax of three per cent.; above $100,000,000 and not more than $200,000,000 may be issued at an annual tax of four per cent.; above $200,000,000 and not more than $300,000,000 may be issued at an annual tax of five per cent.; all above $300,000,000 shall pay a tax of six per cent."

This is progressive rigidity, not natural elasticity.

Yet this penalizing the demand for an increase in the quantity of the tools of trade seems to be the only element

which gives any semblance of elasticity to the otherwise absolutely rigid volume of currency.

If we assume that six per cent. is the regular rate of interest with the initial volume of circulation, and the bankers decide, for the accommodation of their customers, to increase the amount of the currency by an amount not exceeding $100,000,000 and to pay the tax of three per cent. to get it, at what rate of interest will they loan it to their customers? If the bank is to pay the tax, it must do so at a loss and will simply decline to make the loan. If its customers are required to pay the tax in addition to the interest, the cost of the money will necessarily be so high as to prevent manufacturers from borrowing it, as they could not pay the cost and successfully compete with foreign manufacturers who can borrow at from three to four per cent.

The intimate relation between the manufacturing interests of a country and the prevailing interest rate is, or ought to be, generally known. More than one hundred years ago Secretary Gallatin showed to Congress how the difference between the interest rates in Europe and America handicapped the American manufacturers in their competition for the American market with those of Europe; and he proposed that Congress come to the aid of our manufacturers either by loaning them money, as the colonies had done, at a low rate of interest, or that an import duty be imposed for their protection.

The money interests preferred, then as now, to maintain the high interest rates and levy an import duty, and this was done. And one is justified in doubting whether it was not, after all, the money-lenders who were protected by the duties which the American consumer in the end paid. In my opinion the plan of Mr. Fowler, although it leaves something to be desired, is far better than that of Mr. Aldrich for those whom Franklin described as "the common people."

WILBER L. STONEX.

INTELLECTUAL LIFE IN JAPAN

BY PAUL S. REINSCH

The Japanese have often been described as prosaic and lacking in imagination. In any inquiry as to how far they possess this divine faculty it is necessary that we should distinguish between the different modes in which imagination manifests itself. The constructive imagination which bodies forth before the mental vision new and original combinations of ideas wrought into organic unity appears not only in literature, philosophy, and the fine arts, but it also guides and inspires the scientific discoverer, the builder of cities, and the general who plans a battle or a campaign. The Japanese may not equal the Greeks and other more modern Western nations in the power to summon philosophical and poetical visions, but they have certainly exhibited the highest type of constructive imagination in other directions. In the Russian war they showed a grasp of detail and a power of combining and planning which proved able to cope with the greatest strategical and tactical problems that have ever confronted man. The extent of the battle line, the variety and novelty of the means of destruction, the new conditions and unaccustomed uses of each military factor—all these were wrought by the strategic imagination of a Kodama into a force of irresistible impetus. Such a vast complex of details had never before been carried in a human mind. Nor could the generals survey the scene from a high eminence; at the staff headquarters they received intelligence from all parts of the battlefield by telephone, and their orders flashed to the regiments and corps by electricity. Modern war requires in its generals the power of imagination in a far higher measure than did all former situations of military leadership. In the organization of the banking and credit system of Japan her statesmen and financiers have shown a similar grasp and com-

mand of intangible forces. Nor is the transformation of feudal loyalty and traditional authority into modern political power a lesser achievement. Indeed, the Japanese have abundantly demonstrated their powers of ideal construction. It would even seem that their imagination at times runs riot and pictures forth achievements that are not in accord with the normal laws of human activity. Their mercurial character renders them visionary. They see their nation as the Lohengrin of Asia; some bold individual may undertake to create a new religion; or, again, publicists will propose a diplomatic policy that rests on airy nothing. Yet this characteristic bears witness to the presence of a power of imagination which needs only sobering down by scientific training to make it effective in durable construction. As the Japanese learn to understand more and more the reign of law in nature and in human affairs the waywardness of their visionary nature will be disciplined to more substantial uses. Hearn, who observes in the Japanese a certain incapacity for abstract reasoning, looks forward to the day when they will produce "Napoleons of the practical applications of science."

In the field of fancy the Japanese are among the first. Their imaginative life is Ariel-like. It is a spirit world full of the unaccountable moods of ghosts and fairies, yet with a charm and sweet reasonableness all its own. What more awesome feat of the imagination than the belief that the myriad of ancestral ghosts are upholding the national life and fighting its battles; that the departed witness the action of to-day, glory in our triumphs, are saddened by our defeats! No metaphor here, no poetical fancy merely, but a deep conviction of spirit life, on the strength of which statesmen may build policies and risk the fortune of unequal war. And in its lighter moods, how fanciful is this same spirit world, how full of delicate suggestions and imagery all that is related to it. Mirrors are spirit haunts. Who could ever forget the pathetic story told by Hearn of the little maiden who held gentle converse with the reflection in her silver mirror in the belief that she saw before her the face of her departed mother? When shrines are erected to the greater among the spirits, it is not necessary to fill them with images and altars. The spiritual pervasion is sufficient, and to those who look in through the latticed sides the vacant space within is filled with a presence all the

more impressive, as no trappings distract the thought from the deep emotion of spiritual contact. All nature is alive with the essence of past generations. The spirits of the drowned move with the waters forever, and there are lord spirits of mountain, of river, and of soil. The soil of Japan is thus sacred in a sense most real and deeply felt by the people.

In its lighter moods, fancy is present everywhere—in the turn of expression, in the interpretation of feeling, in the description of common things. The Japanese are quick to discover the romantic in the ordinary, to catch unobvious analogies; they see existence with the eyes of humor and fancy. Oni, the goblins, and Sennin, the fairies, give their names to plants and insects. A snowy landscape is spoken of as "a silver world." As in their paintings and color prints, the Japanese interpret the beauty of snow in an unrivaled manner; so that they expressed its poetry in spoken words, as in the stanza written by a woman poet far back in the eleventh century:

"To my lover
I thought to show them,
The sweet plum blossoms.
Now snow is falling fast,
Blossoms and snow are one."

Traditionally, poetical expression in Japan has been confined to the light lyrical touches of the Tanka and Haikai. These graceful and delicate sketches give mere suggestions to the mind, which imagination will expand into a more complete picture:

"Morning-glories hold
Bucket at well.
I beg for water."

This may suggest a garden well overgrown with flowers in such profusion that water cannot be drawn without tearing away some of the blossoms, so the considerate maiden must go to the neighbors to ask for water. Such poetry does not stifle the imagination; it is a stimulus at the touch of which a fertile native fancy unfolds its powers. No two men would translate these little Japanese poems alike, because each would receive from them a different imaginative impulse.

Epic and narrative poetry did not exist in Japan; nor any poetry of extensive form, except the solemn and august hymns chanted in Buddhist and Shinto worship. Some of these are deeply effective in their stately cadence and the images shadowed forth in their language. But poetry in Japan has never risen to that height and that importance as an element in civilization which Western poetry achieved through Homer, Virgil, Dante, Shakespeare, and Goethe. In the whirl of modern change Japanese literary men have had little time to dream new visions of poetic beauty. In 1882 three authors published jointly a book on the *Poetry of the New Form* (Shintaishi Shu) in an attempt to break down the strict formal requirements of older Japanese poetry, and to introduce a greater freedom of movement and diversity of character. Many experiments have been made. Some writers have produced longer poems divided into stanzas. Others have even experimented with rhyme, but it is so entirely unadapted to Japanese diction that the syllabic cadence had ultimately to be retained. All the innovators favor the free use of Chinese words, which is not admissible under the traditional rules of poetry in Japan. The Japanese seem to have the same feeling toward Chinese words that we hold toward Latin derivatives. These appeal to the intellect and, naturally, well express logical operations, but of the feelings of the heart we do not like to speak in other than the words that have for ages been the mother tongue.

It is in connection with the drama that the power of Japanese imagination especially reveals itself. In our Western opera we let imagination rule and do not strive to reconcile the behavior of the beings on the stage with logical thought. But for a pure dreamland of historical romance and fairy frolic we must go to the Japanese theater. The older drama of Japan was poetical in concept and form. It still survives in the *No* plays, which are performed privately at court festivals and other pretentious entertainments. It is here that the splendor of feudal Japan unfolds itself in all its gorgeousness, as Heredia has pictured it for us in his brilliant sonnets. The resplendent procession moves across the stage to the sound of Old-World music, and with the accompaniment of classic dancing. Here all the traditions of medieval art are still alive. But the diction of the drama is in a classic style so remote from the present

vernacular that not even educated Japanese can follow the language of the play. It is no more intelligible to the audience than is the Greek of Æschylos to an American play-goer.

Popular play-acting was formerly looked down upon by people of social standing. Actors were despised as outcasts and plays were considered amusing only to the rabble. Yet gradually the drama has developed into an acknowledged institution in the national life. Its material is historical; the stirring life of old feudal Japan—of the daimios, the samurai, and their attendants—in all its brilliant coloring is unfurled before the large audiences of the popular theater. Turning aside from the cares of business, the din of machinery, and the street turmoil of modern Japan, the people here enter the portals of the romantic past and steep themselves in the traditional ideals and aspirations of their nation. Modern life impresses both playwright and theater-goer as essentially unromantic, and the art of the Japanese theater has not yet become realistic in structure and ideas. It still aims at edification rather than illusion. Nevertheless, in the portrayal of nature the most realistic effects are achieved. The waterfalls and snow-storms of the Japanese stage, produced though they are by the simplest of means, would be the despair of the Western stage-manager. There is thus a strange mixture of realistic detail with a dramatic structure that makes great demands upon the imagination.

In addition to the historical plays which are most popular, there are also performed fairy plays in which fire-spitting dragons, talking animals, and bold robber chiefs disport themselves somewhat after the fashion of the spectacular light opera in the West. Another class of plays, called Oiye-mono, deals with the affairs of some illustrious family, and usually portrays troubles between several of its members. Other plays deal with Geisha love.

That the national drama of Japan will develop along new lines is certain. Much that amused in the old theater is already becoming wearisome, and there is a great demand for a drama that will really hold the mirror up to Japanese life. The diction of the traditional plays is not at all intelligible, and acting reduces itself to pantomime. The demand, therefore, is becoming strong that the language of the stage should correspond to the spoken language of the peo-

ple. Dramas have been composed in accordance with these ideas by many prominent writers such as Tsuboüchi, Yamazaki, and Sano. Tsuboüchi's plays (for instance, "Maki-no-Kata") are melodramatic, but contain forcible scenes and are notably free from the mannerisms and extravagances of the older drama. The actor Kawakami has been the strongest exponent in Japan of the tendencies of Western drama both in its classic and its realistic form, and his exertions have met with great popular applause. Some use has recently been made of novels as the basis for plays, but the dramatic sense of the Japanese is too keen to submit to such a practice. They demand truly dramatic situations, and the story of a novel developed through dialogue is not sufficient to satisfy them. As the life of modern Japan comes upon the stage its dramatic features will claim attention rather than the psychological analysis which would come out in the dialogues of a novel.

The literary history of the Meiji era may be divided into two completed periods and a third which has just begun. The first was the period of adoption of European models, which lasted for twenty years, until about 1888. At that time there took place a sudden reaction against everything Western, a reaction which in the political world led to a number of assassinations and attacks upon statesmen. The second period, an era of ultra-nationalism, lasted for about fifteen years, and in a sense it has not as yet passed. Since the time of the transition from century to century national thought has been controlled by a tendency called Nippon Shugi or Japonicism. This is a modification of the radical form of nationalism, inasmuch as it does not oppose entirely the adoption of foreign institutions, methods, and ideas, but insists on giving them the specific imprint of Japanese nationality. Thus if European Christianity, European jurisprudence, European literary methods are to be tolerated at all there must be infused into them the essential characteristics of Japanese civilization. During the last decade a great many new influences manifested themselves which have led to an individualization of thought. Realism and naturalism in art exert an individualizing influence. Added thereto came the overpowering impulse given to individualism by the study of Nietzsche. The present era in Japan is one of universal search and questioning: the need for positive beliefs and for constructive action is strongly felt,

but men are anxiously casting about for adequate ideals and principles. Thus every experiment is in order, any original solution is sure of an attentive hearing.

In fiction the differences in method which characterize European literary work are found also in Japan. *The Essence of Fiction,* a little work published by Dr. Tsuboüchi in 1885, had a profound influence in making writing more natural and observation more direct. Among realistic writers the lead is attributed to Koyo Ozaki, a man of wide culture and great literary power, while Takayama stands for naturalism, the later development of the realistic tendencies. On the other hand, Rohan Koda represents the idealists. His work is largely in the realm of historical romance, as, for instance, *Hige-Otoko,* a story of the civil wars of the eighteenth century. He is a master of the classical style, which he interweaves with colloquial forms. His descriptions are poetical, but the movement of his stories is slow and his discussions impress the Japanese as lengthy. Another idealist, Fumio Yano, gained surprising success, especially with his novel *Keikoku Bidan,* which dealt with life in Thebes at the time of Epaminondas. This historical novel sold in such quantities as to enable the author to buy himself a house and to take a trip to Europe. Dr. Yuzo Tsuboüchi, who in his *Essence of Fiction* had denounced the artificial style and morality of Bakin, himself produced a number of novels which contain graphic sketches, though they are not strong from the point of view of plot or portrayal of character. We could hardly expect vivid or searching characterization of individuals from Japanese novelists who are just beginning to train themselves in the careful observation of individual traits. The manner of psychological analysis which, with us is illustrated by George Meredith and Henry James is, however, being cultivated by a school of writers who are known by the name of Futaba-Kai. The principal among these is Soseki Natsume (Kinnosuke). Soseki is a thorough student of English literature and has, moreover, a good command of the Chinese language. This training has enabled him to enrich the Japanese language with many concepts and terms dealing with social and individual psychology. Like the writings of his American compeer, the novels of Soseki are caviar to many. His disquisitions on mental philosophy are understood with difficulty by the ordinary reader, who prefers small talk

and easy gossip to a psychological criticism of the follies and weaknesses of mankind. Soseki has especial regard for the fiction of English-speaking nations, and little sympathy for the productions of France and Russia, whose moral atmosphere he does not relish. Of late there has also been developed the purpose novel—the story designed to teach some social or political principle. Kinoshita and Miyazaki have been especially successful in this *genre*.

Mr. Rohan Koda has recently pronounced himself upon tendencies in Japanese fiction. He deprecates the loose methods of modern writers who, instead of polishing their style and putting a deep meaning into their language, write in a superficial manner so as to be intelligible at a glance. He believes that the lovers of really good literature have become less numerous. But he is especially out of sympathy with the realistic tendency to portray the deformed and abnormal. As the ordinary phenomena in real life are not interesting enough, novelists exploit the things which cause surprise or disgust. Another writer, in answer to Koda, admits that modern novels deal mostly with men or women who are in some way unbalanced—at the least nervous and hysterical — yet he takes comfort in the thought that the writers of these stories may be about to fathom the deeper problems of human nature and that the study of the abnormal may yield important results. He adds: "We who belong to a new era should go wherever men go and see all that can be seen." Many of the better class of novelists look upon themselves as public educators and attempt to inculcate ideals of devotion and duty by the examples which they depict in their novels. Yet there is also a class of popular fiction which for its interest relies entirely upon illicit and vulgar relations. A number of magazines are devoted almost entirely to this class of writing.

As already indicated, the indirect influence of foreign literature and languages has been very potent in Japan. Foreign models have been consciously imitated, although, as in the case of the drama, there is always a barrier to the full appreciation of Western fiction in the different attitude of the two civilizations to the problems of sex and of character development. The triumphs and defeats of a Becky Sharp, the simple but profound thought in Silas Marner, the tragedy of Tess—all these are so deeply founded in our own social experience that they bear but little meaning to

the Japanese. It is therefore natural that when drawing upon Western literature in translation they should choose stories of adventure, even cheap detective yarns, in preference to those writings which are the masterpieces of our literature. It is amusing to reflect that the first English novel which had the honor of being translated into Japanese was Lord Lytton's *Ernest Maltravers,* than which a weaker, more inane, or more artificial specimen of novel-writing could scarcely be found among books of standing in English. Yet it is on the basis of this that many Japanese formed their opinion of Western fiction. Among writers whose books have found special favor in Japan are Dumas, Cervantes, Rider Haggard, Jules Verne, and Anthony Hope.

It is interesting to note the connection of authorship with local atmosphere. Thus far the influence of the national capital has been all-important in Japanese literature. The life of Tokio has a *milieu* all its own. During the Tokugawa Shogunate it was the center of feudal life where congregated the daimios with their retainers. A type of character was developed which differs even more from that of the Japanese in general than metropolitan character is ordinarily distinguished from the national life about it. The Tokio townsmen, the Edokko, are popularly described as persons boastful in speech, presumptuous and quarrelsome in behavior, and improvident in the expenditure of money. These characteristics of the Edokko are explained as an imitation of the manners of the professional warrior class of feudal days among whom swashbucklers were not uncommon. These military men affected shortness of speech, abbreviating words, and speaking in curt phrases, resembling the *Schneidigkeit* of German officers. The lower orders, forced into a position of cringing servility, were nevertheless eager to pick up the manner of the superior beings. Native critics of Tokio further portray the populace as superficial, devoted to a shallow optimism, prone to conceal all real feelings, given to fickleness and levity, and deficient in stability of purpose.

Exaggerated though these characteristics undoubtedly are by novelists, for literary effect, their portrayal yet gives the dominant note to recent Japanese fiction. Thus in Tokio light literature finds its source and center. The scenes of novels are laid there, and the language employed is the Tokio colloquial. But it cannot be said that there has been

produced a literature with an effective grasp of a local situation even for the life of Tokio. The great importance of the capital is a result of the centralizing tendency through which all Japanese life has been unified and brought under one system. Uniformity of education and the imitation of foreign models have combined to neutralize local influence. The novels are all cast in one mould, local differences and the perception of individual traits are overridden by general ideas. The burden of the classicism of a past when men were not free to write as they pleased, but were obliged to follow models in a servile manner, also still weighs upon Japanese literary life. Yet Yanagawa feels encouraged to speak of the "new and strong freshness which fills the air of our literary world." Through the efforts and observations of the naturalist school, Tokio is certain to be ousted from the position of dominance which it has occupied, for writers are beginning to study their local environment and to give their novels a more individual character.

It is notable, in view of what has been said above concerning literary expression, that the Japanese nevertheless seem to have a delicate sense for the effects produced upon human character by different localities. One writer says that in Tokio it is easy to distinguish between men who dwell on the hills and those who live below amid the bustle and turmoil of the streets: "Though we may meet such persons only casually, we know from their behavior and their language where they come from." This is borne out by our recollection of the strife which arose between Confucian scholars who dwelt in the lower part of the town (Shita-Machi) and those who lived on the heights (Yamate). It has also been observed that books composed in the north of Japan are more gloomy and serious than those written by southerners.

In essays the favorite form is biographical. The careers of prominent men—writers, politicians, leaders in industrial life—are a never-failing subject of interest; foreign notabilities, too, are included in the repertoire—from monarchs and presidents to criminals and revolutionaries. The men who attain the greatest reputation and who are most worshipped by the public, and especially by the young, are, next to successful generals, the leaders in public affairs. Parliamentary life, though superficial in its influence, has yet made a striking impression upon the imagination of young men.

A method by which magazine editors have of late been trying to interest their readers and increase their circulation is in each issue to dissect some prominent literary man. Concerning the victim, other *litterateurs* of reputation are interviewed; and their opinions about his work and personality, the quality of his style, the points of strength and weakness in his methods, are published at length. This process of being laid on the operating-table is by no means grateful to men of sensitive, retiring dispositions; but there is no help for it, they have to pay the price of notability. It is unusual for prominent men of affairs to write for Japanese magazines, but a very popular way of bringing their thought before the public is to have them interviewed. From the standpoint of the subject of the sketch there is an advantage in that the editor alone is responsible for the exact expressions used, a specific statement to that effect being usually made. The Japanese statesman is, therefore, under no obligation to disavow any of the ideas in an interview which he may find inconvenient.

Among recent essayists, none has won greater consideration than Shuntei Toyabe. This notable writer, who died in 1908, made his style especially powerful through an intimate knowledge of Chinese, which enabled him to use old idioms and classical allusions in such a way as to express modern thought in a novel and striking manner. In his biographical essays, which were written with a masterly hand, he always took pains to give his subject a historical and literary setting. He saw in his characters the nobler side of human nature, although he dealt critically with the current action of public men. Thus he exercised a great influence upon public opinion, and it would have been possible for him to become a powerful factor in practical politics had he so desired. It is interesting to hear Toyabe say, "The four men whom I most admire are Chow Kung, Shakespeare, Emerson, and Carlyle." The deep meaning of Chow, the superhuman talent for character analysis displayed by Shakespeare, and the insight which distinguish Carlyle and Emerson, were what attracted him to these men. As an analyst of human qualities he may be compared with Macaulay, even in the brilliance of his style.

Among all forms of literary expression the newspaper press has received the greatest impetus through the changes introduced in the Meiji era. The Japanese are in general

not a bookish people. There is a common feeling that a wise man need not read, and there is little real taste for literature among the masses of the population. Books do not play the prominent part in Japan that is accorded them in the life of the West; but, on the other hand, cheap, light fiction and newspapers are read a great deal, and the public is large, as nearly all Japanese have a reading knowledge. Thus the press has become a great power in Japan both for good and for evil. And this even in its infancy, for it is almost entirely a creation of the Meiji era, though under the Shogunate news sheets (yomiuri) were given out. These, published as occasion demanded, were printed from blocks, although separate letters had been in use for some centuries, and were hawked about the streets after any event had occurred of sufficient note to warrant publication. A description of the deeds of the Forty-seven Ronin was circulated about the streets of Tokio within a few hours of their death. Sometimes the imagination was drawn on and events were reported before they had happened. Since the Restoration, journals have been established in increasing numbers, until they now form a cardinal element in Japanese civilization.

A distinct line must be drawn between respectable and yellow journals. The respectable press, which includes such papers as the *Asahi*, the *Jiji*, the *Nichi-Nichi*, and the *Kokumin*, compares favorably with the papers of other nations, although the foreign news service of Japanese journals is rather meager, since regular correspondents are maintained only in China and in a few of the most important Western capitals. The yellow journals are taken up very largely with personal notes and scandals. Their sole object is to make a sensation, and they are exceedingly unscrupulous in the manner in which they deal with private character. As a result, while they are read eagerly for the spicy information which they contain, they are not taken seriously by the public. Should they undertake to deal with important matters, no attention is given them, so that even a splendid "scoop" will hardly be believed and will receive no credit. But it is these papers that have the largest circulation. Several of them boast of one hundred and fifty thousand subscribers, while only one or two of the decent papers have over one hundred thousand, and most have to be satisfied with less than one-third that number. Several facts should be noted in explaining the success of the yellow

journals. On account of the difference in the literary style, the better class of newspapers is not readily understood by uneducated people. The small newspapers which cater to the wants of the masses are exceedingly cheap, being sold for but twenty sen per month, which brings them within reach of the poorest members of the community. The news items which give them their chief interest may suit the small-minded, but this press certainly cannot be looked upon as an educational influence. Its great success is not a matter for congratulation, as it stands for a wholesale contamination of the reading public. On the other hand, the serious press of Japan occupies a position of real influence through the moulding of an intelligent and responsible public opinion. Editorial writers, while poorly paid, are respected, and repeatedly men have, through their work in the sanctum, prepared themselves for performing the duties of high public office.

A condition has been established in Japan which makes the growth of a class of independent literary men possible. The development of a large reading public, which includes men of all degrees of culture and of all varieties of tastes, calls for special professional training on the part of writers. The returns, while still modest, are yet in many cases sufficient to enable a literary man to support himself through his writings. A poor man will naturally seek to connect himself with some journal or magazine so as to have steady occupation. Those who have gained more literary fame may be able to put forth individual works at a considerable profit. Some novels sell in tens of thousands, whereas thirty years ago no book would be issued in more than a few hundred copies. While the results of the literary democratization of Japan may not be altogether encouraging, since an impetus has been given to certain contaminating manifestations and enterprises, yet in all this activity there is enough of sound literary development to be full of promise for the future. In former years the writer who was not a priest or a samurai poet was looked upon as a man without a calling, and his life was indeed precarious and generally sad. Even now Japan has not as yet passed beyond the period of Grubb Street literary life. A great many writers of ability are forced to struggle with poverty and to live, however much they may dislike it, a bohemian life. As late as 1909 a prominent literary man, Bizan Kawakami, committed suicide be-

cause of poverty. Another martyr was Ryokuwu Saito, who died a few years ago. His novels, well designed and carefully written, are conceived in the spirit of realism. By temper he was a satirist, and his observations on character are keen and cutting. In his personal fortune Saito was most unhappy. His bad health was made more unbearable by his poverty. Though he was punctilious in social observances, he was perforce ultra-bohemian in his private life. Being improvident as well as poor, he resembled the eighteenth-century poets whose struggles and sufferings Johnson has described for us. Saito was forced to buy his food off stands on the streets. He shunned society and would not allow even his friends to know where he lived, mailing letters from offices distant from his place of residence in order to keep from them a knowledge of his abject poverty.

There are other authors in Japan who, while living in great simplicity, may be looked upon as enjoying the fullest happiness. Such was Fukuzawa. Adventuresome in his youth in the pursuit of knowledge, he braved poverty and danger in order to master whatever was accessible of Western learning. When the new era dawned the mastery he had acquired enabled him to become the great teacher of his nation, yet so narrow was the conservatism of the many that he was constantly in danger of violence. Meanwhile he worked on with might and main writing his books on European civilization, and through the columns of the *Jiji* bringing the light of Western thought to the educated people of Japan. His books had an enormous circulation. The *Gakumon-no-susume* had sold seven hundred thousand copies within five or six years of its publication, and altogether millions of volumes of Fukuzawa's works were sold. The income from these writings was invested in a great school, Keio Gijuku, where he gathered about him hundreds of promising men who carried his ideas to the ends of the country. The welding of a nation, the breaking down of distinctions between warriors and peasants, is the work which he promoted. No writer of Japan has wielded a greater influence. The man's great simplicity and his notable geniality of manner won the hearts of his students and enlisted their undying friendship. Very fond of traveling, he took numerous trips in company with members of his family and friends, sometimes going with a party of

twenty or more. On these trips he was satisfied to travel third class and to live on the ordinary fare at the inns. He was a good traveling companion and, though the leader, placed absolutely no restraint upon those with him, allowing his companions to arrange their life according to their own convenience. A tremendous walker, he even in his old age took trips in the mountains on which younger men could scarcely follow him.

Another type of Japanese intellect appears in Dr. Jiro Kitao who died in 1907. A very precocious child, he had mastered at the age of ten the Chinese classics and was able to write Chinese poetry. His prodigious memory was especially noteworthy. At the age of sixteen he went to Germany, where he stayed for thirteen years, studying under Helmholtz and other scientists. He later had a controversy with the great German physicist, because he claimed to be the original inventor of the lucuscope. After he returned to Japan he became a professor at the Imperial University and at the College of Agriculture. He always retained a great interest in German literature, studying Goethe, and himself writing a German novel, *Waldnymphe*. His chief scientific works on metallurgy and subsoil moisture were also published in German. When he first returned to Japan he had forgotten his mother tongue to such an extent that it was difficult for him to deliver his lectures. He soon recovered his mastery, however, and his wonderful memory made it possible for him to use the most difficult Chinese idioms to the constant astonishment of his students. He had also given much attention to Greek literature and was a lover of music. Though married and having a pleasant family life, he was a recluse, living day and night with his books. When he had worked for a long time over some difficult matter and finally a solution flashed upon him, he would shout *banzai* so loudly that every one in the house would be aware of his triumph. In his zeal for knowledge he neglected his bodily welfare; his nerves became overwrought, and toward the close of his life he at times went into a state of ecstasy.

Country life has a great attraction for Japanese authors, and many of them feel a powerful yearning for the soil. Thus Kanjiro Tokutomi has become a veritable Tolstoi, living on a farm and tilling the soil with his own hands. He says: " For a man like me to be living the life of a peas-

ant may seem a profitless undertaking, but I know of nothing comparable to what I feel when I tread the ground barefoot. Here it is that a man gets strength. It seems to me that those who are nearest the earth are nearest to heaven." He enjoys the quiet, simple life, the hard work of the field, the sound sleep with which it is rewarded, all of which refreshes his spirits, wearied with the distractions of modern city existence.

It may also be interesting to glance at the life of a publisher, Hanhichi Yoshikawa, who died in 1903. He began his business experience as an apprentice boy in a rice-shop. As the rice merchants resorted to underhanded means for making money he left his master and engaged under a confectioner. Finding the eating of sweetmeats bad for his stomach, he went on to a second-hand store; but he discovered that his master's profit came from the selling of counterfeit articles and did not wish to lend his assistance to such practices. He therefore determined to seek employment in a bookshop, considering that book-dealers trade for the benefit of their fellow-men rather than for personal gain. He began by hawking books about Osaka and Yedo. After he had established a shop of his own, he opened a reading-room, where for one cent per hour students were able to consult the best authors. Gradually he won the confidence of teachers and the public, and was intrusted with the publication of many important books, building up in this way a large and profitable trade. After his death his name was commemorated by his descendants through the republication of a valuable dictionary.

The types of experience above portrayed are taken from a great mass of material; the selection made does not necessarily imply exceptional prominence of the particular man in the intellectual life of Japan, but is intended to illustrate various phases of literary activity as well as the general conditions of life.

While the old class arrangement has nearly disappeared in Japan, newer social and professional distinctions have grown up which are quite as marked as were the older forms of social diversity. The different professional interests have very little in common. There are the land-owners and the priests, the class of public men, the class of literary men, and the class of merchants. Each lives in its own world and has little contact with or interest in any of the others.

It is not uncommon for a public official of high rank to show complete ignorance of what the literary men of Japan are doing. The latter on their side live in the world of imagination, and unless they are essayists like Toyabe interest themselves but little in current affairs. The literary statesmanship of the West, of which Guizot, Gladstone, Balfour, and Roosevelt are examples, is unknown in Japan where statesmen will not even write their memoirs. There are, of course, some exceptions to this. Thus while Count Okuma is not distinctively a literary man his connection with and interest in the world of knowledge are intimate.

The position of literary men in Japan differs in many essential respects from that which is accorded writers of prominence in the Western world. The individuality of literary fame and literary personality in its various aspects have not been developed in the Orient to nearly the same extent as in the West. The great books to which men return again and again for guidance and inspiration have been written thousands of years ago, and those men who earned fame thereafter won their laurels by writing commentaries upon the classics. No merit attached to originality. Moreover, most writings were anonymous. Especially if they were original was it advisable that the author should not make his personality too prominent. While learning was always respected, authorship never had the position in Japan and other Oriental countries that it has enjoyed in the West from the Greeks down to the present.

The Japanese mind will excel in the future in many directions, but the greatest development may be expected in those activities for which racial and social experience has best prepared the intellect. A strong but selective realism in literature, delicate word-painting, the successful search for mastery over the forces of nature, a grasp of social and political relationships—these are among the things we may expect from the Japan of the future. At present all is still in the turmoil and uncertainty of a Titanic struggle of opposing forces from which only gradually there emerging the mind and spirit of modern Japan.

PAUL S. REINSCH.

IN BEHALF OF THE GENERAL READER

BY BRANDER MATTHEWS

Lord Chesterfield once warned his son against "the communicative and shining pedants who adorn their conversation, even with women, by happy quotations of Greek and Latin." And he added the excellent advice to shun empty display: "If you would avoid the accusation of pedantry, on the one hand, or the suspicion of ignorance on the other, abstain from learned ostentation. Speak the language of the company you are in; speak it purely and unlarded with any other."

It is a pity that Chesterfield's suggestion to his son has not produced more impression upon certain of the writers of our time. There is one prolific British author who might be cited as a horrible example and whose pages are a rag-bag of allusions and quotations in any and every language, including his own. The assumption of this writer seems to be that all the readers of any of his works are as familiar with these languages as he is himself and that they will recognize the most recondite allusions collected during his own multifarious reading. This is most intolerable and not to be endured; it is nothing less than the superfluity of naughtiness. It is akin to the arrogant insolence of the bishop who quoted Hebrew in a sermon to a remote and rustic congregation, and who justified himself with the airy explanation that "everybody knows a little Hebrew."

Now, everybody does not know a little Hebrew. Everybody does not know even a little French or German. Every one has not had even a little Latin to linger indistinct and doubtful in the recesses of his memory. And those who happen to have Hebrew and Latin may not have any French or German, just as those who are on speaking terms with these modern tongues may never have been introduced to the ancient and honorable languages. No author has any

right to assume that any reader is possessed of precisely his own equipment; and such an assumption is at bottom simply impertinent. And, therefore, every author would do well to ponder Chesterfield's command to "speak the language of the company you are in; speak it purely and unlarded with any other."

The presumption that an author is at liberty to do as he pleases in his own book is contrary to the fundamental and eternal principle that books are written for the benefit of the readers—or at least that books are published for the benefit of the readers. The author, after having composed his work for his own delight, to express himself, is under no compulsion to give it to the world. He is justified in so doing only if he conceives that his writing has a purpose to accomplish—that is, if he believes that it will bestow either pleasure or profit upon those who may peruse it. If he refuses to consider his readers, then the publication of his book is for the sake of the writer himself, not of these readers. It becomes an exhibition of essential selfishness, mere vanity and vexation of spirit. A book ought to be rich with the full flavor of the author's personality; primarily it ought to express him—but secondarily it is for the sole benefit of the reader.

A book which is worth while is a special message from its writer to the readers; and the reception of the message is, and must be, in proportion to the skill with which this message has been phrased to appeal to all who are willing to hear it. To say this is not to suggest that the author must write down to the level of "the man in the street"; and yet many of the masterpieces of literature—Defoe's *Robinson Crusoe,* for example, and Bunyan's *Pilgrim's Progress,* Whitman's *O Captain, My Captain* and Kipling's *Recessional,* Voltaire's *Charles XII.,* and Lincoln's *Gettysburg Address*—are not elevated above the easy comprehension of those whose educational opportunities have been but scant. The author need not "write down," but he ought to "write broad"—if the word may be ventured. He ought to be possessed of a sympathetic understanding of the state of his readers' minds, of their previous knowledge of the subject, of their opinions, and even of their prejudices. He may choose the class of readers whom he wishes to reach, and then he must ever keep in mind the capabilities and the limitations of all the members of this group.

It is the good fortune of the drama that it is the most democratic of the arts, since it must direct itself to the people as a whole. It has been called "a function of the crowd"; and the duty of the dramatist is to find the greatest common denominator of the throng. Yet this appeal to the multitude has never debased the drama. "Hamlet" and "Tartuffe" are most popular plays, and they are also masterpieces of dramatic art. Shakespeare and Molière did not condescend to the public; they gave that public the best they had in them, but with the utmost care to give it also what they knew it relished. Of course very few plays have ever had the breadth of appeal of "Hamlet" and "Tartuffe"; and the modern dramatist, when he is building his play, is likely to have in mind some subdivision of the throng, the larger segment that craves the fierce joys of melodrama, or the smaller cross-section that is ever eager to discuss the problem play.

It is a choice of this sort that the writer of books is bound to make before he starts in on his work—and especially the writer of history, of biography and of criticism. Is he going to write for the general reader, for the average man and woman of average intelligence and of average education, or is he resolved to limit the circulation of his work to himself and to the tiny knot of his fellow-specialists? In other words, shall he follow the example of the French or the example of the Germans? Will he make his book readable by all, as the French try to do, or shall he be satisfied to have it hopelessly unreadable, except by a sharply restricted circle of like-minded students, as the Germans very often prefer to do? It is true, of course, that there are French books which are hopelessly unreadable, and it is sad to see that their number has been increasing of late. It is equally true that there are also German books which are as readable as the best of the French. Yet the distinction holds good in the main; and there is no denying that the German is inclined to address himself mainly to his fellow-scholars, whereas the Frenchman deliberately devotes himself to the task of interesting the general reader. The Germans insist on scientific thoroughness, and they are willing to pay a heavy price for it. The French are governed by the social instinct which urges them to endeavor to please and to attract. "Your scientific critic is usually a wearisome creature," said John Burroughs; and the Teutonic

investigator is often pitiless in his stern resolution to approve himself a scientific critic. The French view is scarcely overstated in an early letter of Taine's in which he dared the assertion that "at bottom books are not books unless they are amusing; the others are only library furniture."

Where the German toils like a man of the cloister, a secluded Benedictine, aiming to be appreciated only by those whose training has been as arduous as his own, disdainful of the plaudits of the vulgar, and almost suspicious of any outside popularity, the Frenchman remains a man of the world, interested in life as much as in literature, not neglectful of the latest accretions of knowledge, but holding these to be valuable only as they can be co-ordinated into a more comprehensive consideration of the subject in its larger relations. Where the German scholar is likely to be solitary the French scholar is social and sociable. The late Gaston Boissier, who combined Teutonic thoroughness with Gallic clarity and charm, once declared the principles which underlie French literature and which explain its universality. The French author is rarely a solitary dreamer, so Boissier tells us. "Like the orator, he seeks to convince and to persuade. He addresses himself to the public. He takes pains to be clear so that he may be understood, whatever the subject he may be treating. He arranges his matter carefully; he develops his ideas into generalities; he wants to be comprehended by all."

It is because this has been the ideal of the French man of letters that French literature has won its way all over the world and that French is still the second language of every educated man, whatever his native speech. French literature has the element of universality. Intensely national as it may be, it is not narrowly local; it appeals to humanity at large. One of my colleagues at Columbia has told me that he once heard a professor in a German university advise his students to buy rather the French translation of his own monumental work than the German original — because the French version was clearer and therefore more easily read. Transparent clarity is the dominant characteristic of French literature. This may account in part for the inadequacy of French poetry, but it is an inestimable profit for French prose. A French book is widely read in its own language outside the borders of France, and it lends itself easily to translation into a host of strange tongues.

To Germany we have to go for the army of books which extend the confines of knowledge, and yet not a few German books almost force us to conquer that knowledge for ourselves. The facts we are seeking are contained in the works of the German author or they are concealed there, entangled with a heterogeny of other facts which cumber the pathway to our goal,—we cannot see the forest for the trees. We are stunned by the noise of the apparatus which intimidates us from the approach to the essential product. The facts are there somewhere, if we can only find them, and the ideas also which interpret those facts, but they are likely to be inextricably commingled with other facts and other ideas, with endless quotations and endless citations and endless references. As a result we cannot help regretting that Dr. Holmes did not carry out a humorous suggestion he once let fall: "I sometimes feel as if I should like to found a chair to teach the ignorance of what people do not want to know."

Here in the United States of late years many of our historians and biographers and not a few of our literary critics have gone to school to the Germans, to their abiding profit. They have learned the needed lesson of scientific solidity of knowledge. Unfortunately they have often imbibed from their Teutonic teachers not only a taste for absolute precision of information, but also a relish for parading the results of their praiseworthy industry. They insist upon setting forth the minutest details of their investigations. In their recoil from the quagmire of belleslettristic trifling they have fallen into the abyss of pedantry. They are making books which are not only unreadable by the average reader, but which are frankly not intended to be read by anybody, except by a circle of fellow-specialists. They discuss the least important technical details and indulge in interminable controversy over questions of no vital interest. They even assume in every reader an acquaintance with the preceding stages of the discussion. Perhaps the attitude of these Teutonified Americans was reduced to the absurd not long ago by an American professor of history who declared that a recent publication was his ideal of what a book ought to be, because its pages contained but two or three lines of text at the top, the remaining space being surrendered to unending foot-notes stuffed with references and citations. Such books are contributions rather to science than to lit-

erature; they are honorable and necessary; they are definite contributions to scholarship.

Plainly enough, the author of any book built upon this plan must have renounced in advance all hope of attracting any readers other than those who were as strictly scientific as himself. His book was not a book; it was only library furniture, to be consulted on occasion, but never to be enjoyed. It may have all the scientific virtues, but it is devoid of all artistic attributes. Its defects are intentional, no doubt, but they are none the less deplorable. They are due to a mistaken standard—or at least to the adoption of a standard which the greatest historians have rejected. Gibbon, for example, built his monument more enduring than brass; and for nearly a century and a half this massive work has withstood the ravages of time and the assaults of those who have been unwilling to accept his opinions. His *Decline and Fall* has scientific thoroughness and also artistic fascination. The ample narrative flows unimpeded through his pages, and his foot-notes do not obstruct the current, even if they are often as good reading as the text itself.

More than half a century later Mommsen put forth his history of Rome, constructed by a mighty effort of historic interpretation and only occasionally weighted down by a foot-note which might distract the attention of the general reader, for whose benefit it had been directly prepared. Apparently the great German historian felt that to vaunt his own researches and his own original interpretations and to thrust forward the sources of his extended knowledge would be an act akin to that of the architect of a towering cathedral who should insist on leaving up the scaffolding which had facilitated its erection. Mommsen conscientiously addressed his history of Rome to the general readers, and took his measures accordingly, not to repel, but to attract those readers. His constitutional history, on the other hand, from the very nature of its subject, could not appeal to the general reader, but only to the specialist in political science. Therefore, this later work was very properly prepared upon a different plan; it was designed for the more limited group of professional students, and for their sake it was buttressed with quotations, citations, and references.

There is no warrant for the prevalent belief that there is a necessary conflict between scientific thoroughness in preparation and artistic attractiveness of presentation. The

scientific historian may very properly despise the essential falsity of Carlyle's *French Revolution,* but the only sound basis for their contemptuous dislike must be sought in the Scotch humorist's wilful neglect of necessary information of which he might easily have availed himself, and not in the interpretative imagination he displayed in evoking the striking figures of that strange turmoil. Carlyle is to be discredited not because he had the skill of a literary artist, but because he was wanting in scientific integrity. And this is also the verdict which must be rendered upon the histories of Carlyle's disciple, Froude. The two British historians have fallen out of favor with serious students not on account of their possession of art, but on account of their lack of science. As Gibbon proved, and Mommsen also, science and art are not incompatible or even hostile.

Perhaps there is no better example of the skilful driving of science and art harnessed to the same wagon than can be found in Gaston Boissier's illuminating studies of Roman life and character in the last days of the Republic and the early days of the Empire. In this great scholar's pages Cicero and his friends stand out as they lived; the springs of their actions are laid bare and the temper of their minds. These vital portraits are the result of the utmost intimacy with the records they have left and with the latest researches of the humblest investigators. No doubt has ever been cast upon the solidity of Boissier's scientific knowledge of the period or of the persons he presented to us. Boissier is as scientific as Gibbon or as Mommsen, and like them he refrained from all wanton parade of his scholarship. When he composed one of his interpretative resuscitations he abided by his own explanation of the French point of view. Like the orator, he sought to convince and to persuade; he addressed himself to the general public; he took pains to be clear; he arranged his matter carefully; he developed his ideas into generalities; he wanted to be comprehended by all. And in thus achieving art he did not forego science; that was the solid support of his alluring essays; that was the steel frame, hidden within and yet supporting the external beauty of his marble arches.

In Gaston Boissier's books art is always visible and science is ever concealed. There is rarely a Latin quotation or even a Latin word; and this foreign term, when it does occur, is invariably elucidated for the benefit of those un-

familiar with the language of the Romans. There is scarcely a foot-note, except now and again the citation of an authority or a courteous reference to the explanation put forth by some other scholar. Indeed, Boissier's foot-notes are fewer than Mommsen's and far fewer than Gibbon's; and when he traces for us the intricate complexities of the opposition under the Cæsars our attention is never distracted from the pellucid narrative in which he has distilled the results of his indefatigable study. Above all, his writings are wholly free from all controversy over the opinions of other scholars with whom he has failed to find himself in accord, and we are never detained or annoyed by acrimonious wranglings or by discourteous personalities. He is as unpedantic as may be. He writes like a man of the world, familiar with all that has happened since the period he is dealing with, and apt in recalling modern instances to illuminate ancient opinions. He is continually explaining the present by the past and the past by the present. His attitude is always that of a courteous host who welcomes us by setting before us his best wine, but who never insists on our inspecting the ample cellars whence this choice vintage has been drawn.

There is an old saying that a good workman is known by his chips; yet the accomplished craftsman does not send these chips to the customer to certify his workmanship. He lets the product of his labor speak for itself, and he is never tempted to invite the rest of us into the workshop that we may spy into the secrets of his trade. Now this is just what many modern craftsmen persist in doing, seduced by the bad example of the Germans and neglecting the good example of the French. They demand that we take notice of the skeleton, overlooking the fact that only the tortoise wears his backbone on the outside and that the higher vertebrates prefer to conceal it. This scientific skeleton ought to sustain the body, no doubt, but there is no need to force it into view. Perhaps this parade of his necessary apparatus may be pardoned in young scholars; here it is the outward and visible sign of adequate preparation. But it is no longer needed when the neophyte has won his spurs. The more mature writer may dismiss his list of authorities and all his paraphernalia of bibliography to the harmless and necessary appendix, which may serve as a reservoir of information for the benefit of those who wish to drink

deep. When his prentice years are left behind him, he need not feel called upon to prove his acquaintance with the tools of his trade. This is, then, to be taken for granted; and there is no necessity to flaunt it in the face of the general reader.

That it is possible to unite scientific thoroughness and artistic presentation has been proved by Gibbon and Mommsen and Boissier—an Englishman, a German, and a Frenchman. The ability to do this is not the exclusive possession of the scholars of any one nationality, although it is more common among the French, since they are franker in their recognition of the social instinct. It can be discovered in the *Attic Orators* of Jebb and in the *Aspects of Greek Genius* of Butcher. It is as evident in the biological essays of Huxley as in the psychologic studies of William James. Indeed, it would be difficult to find a better example of the combination of science and art than can be discovered in the iridescent pages of James. His discussions of the complex problems of physiological psychology—discussions rich in speculative suggestions, wealthy with original inquiry, supported by imaginative ingenuity — are yet so simply stated that they can be understood by the people. They were contributions to science which only his fellow-scientists could properly appreciate, but none the less did they appeal to the average reader of average education and of average intelligence.

To write so as to satisfy one's equals and so as to appeal also to those who are not specialists—that is not easy. Yet it can be achieved by taking thought, and it is worth all the pains it costs. That way wisdom lies, and the sooner American scholars recognize this truth the better it will be for the future—if our literature is to be enriched with books that are books and not merely library furniture.

BRANDER MATTHEWS.

THE PRESENT STATE OF POETRY

BY ARTHUR DAVISON FICKE

When in the fifteenth century the Italian poet Politian called poetry "the solace of men and the everlasting joy of the Gods," he spoke with an assurance that might have failed him could he have had a momentary forward glimpse across four hundred years of literary history. It is inevitable that his eloquent words should gain, for us, a perplexing commentary from the state of poetry in our day. For though it is somewhat difficult to say, with any show of authority, what amount of joy the Gods may be deriving at present from this art, one may assert without much hesitancy that men are getting from it very little solace. And however distasteful Politian might have found such an admission, he would probably have been honest enough to agree that modern life has forgotten the uses of the poets.

It is very curious that this condition of atrophy should exist for poetry, in view of the fact that just now there appear to be more writers of verse than there have been at any time in the history of literature. An English critic conservatively calculates that there are fifty-two minor poets at liberty on his island, and our prosperous land can probably double the count. No one of these so far has proved himself a Goethe, but a considerable number of them are imaginative artists of high distinction. Whatever their powers, and though they may be reckoned by scores, the product of their art appears, if we measure it by its influence, as an insignificant detritus around the bases of the real mountains of modern thought — a thing ignored by those who sit upon the heights—a negligible element in the story of the intellectual life of our epoch. *O quæ mutatio rerum!* Once Lorenzo de Medici could turn from the task of governing Florence to the reading of Petrarch and the

writing of sonnets; Sir Walter Raleigh laid aside his brilliant lyrics to accomplish his adventurous voyages to the New World; and Edmund Spenser's Secretaryship to the Government of Ireland did not preclude him from becoming the author of the greatest poem of his age. There were giants in those days—giants who did not contemn poetry. But the direct influence of the Renaissance, when such things were possible, has been partly absorbed and partly dissipated; and we face the fact that in our own time the active and the poetical life have parted company. With rare exceptions serious and efficient men of the present do not come within bowing distance of poetry from one year's end to another.

Special students of literature are not the only persons who may find interest in contemplating this situation: it is one of general import. For if we conclude that the modern world—and particularly the American section of it—is wrong in its rejection of poetry and is mistakenly thrusting aside a valuable adjunct of intellectual experience, the question of reform is of common concern. Or if, on the other hand, we find that modern taste in this matter is sagacious, then surely it is a discovery of some moment—worthy of being proclaimed as one of the brilliant achievements of the age—that this practice of poetry, so long fostered by a deluded race, has been tested and found of a piece with many another discarded superstition. And so the question forces itself upon us as a matter of more than academic inquiry—why in this day is poetry a negligible quantity in general American life?

One hears it said for answer in certain quarters that our twilight of the poets results from the growth of a general sordidness and concentration upon material things, the predominance of which drives out all interest in the works of a finer idealism. I am a little distrustful of the conclusions of those who posit this or some other mysterious deadening influence, fatal to imagination, growing out of modern life. For no quality of our age seems more obvious than the vast idealism and leaping imagination which are the life-breath of its humanitarian ambitions and its material conquests. Nor, on the other hand, can one dismiss the problem as with a wave of the hand by saying that our poets are such inferior ones that no one cares to read them. For in the first place, the assumption is not true. Much of our

poetry is excellent: one could name a dozen men whose work is worthy of the most careful attention of serious readers. And in the second place, one does not observe any very passionate pilgrimage of modern readers back to the illustrious poets of the past, whose writings are still of easy access to any who care to seek them. What one does see is a brilliant, powerful, and creative age wholly indifferent to good or to bad poetry.

It is easier and more customary to bring forward abundant justification for this indifference on the part of the public than it is to explain the underlying causes. One needs only to state the situation to perceive its plausibility. Here is a nation of tremendous practical activity; each man absorbed in the practice of a profession, the development of an industry or the direction of a commercial enterprise. Each individual finds his days crowded very full of affairs that must be given guidance and ideas that must be put into action. For a man's immediate undertaking an intricate technique must be mastered and applied; and poetry cannot help him in this. For his leisure he wants entertainment and diversion; and poetry seems so remote, so unreal, and so preternaturally serious that it offers nothing of attraction. Thus in neither his work nor his play does he feel the need of the possible service of poetry. And various misunderstandings foster this separation. The man of affairs offends the poets by his devotion to commerce and his disregard of their idealism; they offend him by writing what is Greek to him and by being rather impractical persons. So they agree to leave each other severely alone, and they generally carry out the agreement. No attitude on the part of the public could be more natural and logical; for ours is a strictly utilitarian age, and the dust-heap is the obviously appropriate repository for any element that cannot demonstrate its immediate worth. The pressure of material needs in a comparatively new country makes this inevitable.

It is, however, only a beginning to convince oneself that this situation is a perfectly natural one. The chief point of interest, the cause of all this, still eludes one. Before entering upon the pursuit of the real answer to our question it may be well to prepare nets for its capture by stopping for a moment to put in order our notions of poetry and of the nature of its forces.

No other anaylsis of the art seems to me quite so expressive as that which ignores questions of form—epic, lyric, and the like—and bases its divisions on two essentially different attitudes of the artist toward the material he uses. This classification allies all poetry to one or the other of two great types. The one type is that in which the element of intellectual play predominates; the other type is that in which the element of intellectual enlightenment predominates.

By the first, or play element, I mean to indicate that type of poetry in which the aim of the writer and the attraction for the reader are chiefly a pleasant recreation or excursion of the mind, an agreeable absorption in a beautiful thought or a beautiful form of expression. Verses of exquisite imagery and lingering music, songs which capture the moonrise or imprison the sunset, all belong here. They may be of the most varying degree of profundity—either "Little Miss Muffet," or "Kubla Khan" and "St. Agnes' Eve." But much as they differ one from another, they are all alike in the one particular—they all have as their aim the expression of ideas for the sake of their æsthetic or decorative value. As we read such poetry our minds are relaxed from the strenuous energies and keen concentration which real life exacts from us as we face it; and we pass gradually into an imaginary world of delicate fancies and alluring half-lights, haunting memories and delightful unrealities, which, be they grave or gay, never have the disturbing menace or the brutal immutability of fact. As Sidney says: "Nature's world is brazen; the poets, only, deliver a golden." To such a world the tired or baffled mind may resort for consolation and forgetfulness, and this phase of poetry has always been able to offer to such readers a large and innocent measure of happiness.

By the second or enlightening element of poetry I mean to describe that variety which has as its aim the interpreting, analyzing, and clarifying of the facts and purposes of life by means of the perceptive and expressive power of art. It includes not mere didactic poetry, but rather all poetry which is enlightening in the sense in which every genuine extension of the sympathies or sharpening of the perceptions is an enlightenment. Poetry of this variety attempts to select, from the heterogeneous welter of sensations and reactions that constitute our consciousness and our memory,

those episodes which have serious meaning in the human drama and to arrange these so as to express something of the spiritual values involved. It is a criticism of life, to use Matthew Arnold's much-abused term, a formative statement of ideals and inspirations.

Though these two phases, the play element and the enlightenment element, often meet in one work, they are at bottom strongly contrasted. The first is an escape from life, the second an illumination of life. While the one leads the reader away from the turmoil of experience into the repose of beauty, the other purifies and enlightens reality by piercing that cloudy murk with the beams of ideal interpretations and appraisements. The work of Keats in such characteristic poems as the "Psyche" or the "*Belle Dame*" stands as an illustrious example of the first phase; the work of Shelley represents the second.

These elements make their appeal in many cases to different temperaments and different audiences. For instance, one finds a few readers of very high literary cultivation and intellectual sophistication who feel, rightly or wrongly, that the enlightening type of poetry has very little to say to them. It can disclose, they believe, no new mental vistas to minds already familiar with the great storehouses of the world's past thought; to them it seems only the shrill repetition of long-since established verities. Minds of this rare type of cultivation will often be more attracted by the play element of poetry. They may weary of what seems to them the superfluous restatement of old truths, but they have still ear to give to the graceful expression of a delicate fancy or the music of a harmoniously flowing song.

But on the other hand, this play element will have no fascination for any audience that has not considerable leisure and culture and sophistication. The average educated man will not like it, for he uses his mind to work with and he is not practised in the art of employing mental activity as an instrument of play. The reason that paintings and music and decorative poetry are to him a sealed book is that he has never learned the knack of abandoning himself at the proper moment to the wings of fancy. He has not had time to master the little conventions and tacit assumptions that hedge every art. The conceits of poetry seem strange, unreal, unnatural to him, for he has never been accustomed to the peculiar fourth dimension in which they move. He finds

it an incomprehensible region full of fantastic activities; in watching them he is conscious of what Walter Pater feels in the figures of Botticelli—"a passion and energy greater than any known issue of them explains." And all of this is true not only of the uneducated and stupid reader, but even more strikingly of the highly specialized and keenly intelligent man who is accomplishing most in our society to-day.

Now an examination of any large quantity of modern poetry will make it plain that, while the intelligent readers of our time have been steadily losing the faculty of enjoying the play element, the writers have been steadily concentrating their efforts more and more upon this phase of the art. Fascinated by the unquestionable brilliance of such lights as Keats and Poe, they have devoted their energies to the achievement of similar triumphs. They have done beautiful work, but in a narrow sphere, content to be limited by what Professor Bradley calls "the bewitching inward world of the poet's soul and its shadowy adventures." For instance, I find in a recent magazine that of its four poems one concerns the call of the wind to the wanderer, another pictures a lonely road in the rain, another the ghosts of dead lovers that return, and the fourth a bird singing in a tree. Each is treated as a tiny picture, to be worked with infinite care into that most precious of enamels—song. Each one is charming, decorative—and trivial. Now, it is an excellent thing to feel and depict the beauty of one small corner of life, but it is still more excellent to realize the exact magnitude of the part which that fragment plays in the larger scheme of things and to express the whole scope of its relations. Compare these themes with those of such a poet as Homer, who, to use the words of Plato,

> "speaks of human society and of intercourse of men good and bad, skilled and unskilled, and of gods conversing with one another and with mankind, and about what happens in Heaven and in the world below, and of the generations of Gods and heroes."

Modern poetry seems thin beside such a strain. No exquisiteness of execution in these designs of birds and flowers can compensate for the breadth of comprehension which they have sacrificed. Not only have they sacrificed scope, but all except a few of them have sacrificed passion also to the prudences of the magazine editors. Passion may be enlightening, but prettiness never. Yet the day of prettiness

is with us: witness the following instance. Out of a catalogue of recent volumes of poetry I select the following typical titles: "Ægean Echoes," "Forget-me-nots," "Poems," "Dreams," "The Man and the Rose," another "Poems," "Violet Verses," "Lyrics from Lotus Land," "Driftwood." No one of these themes will be able to tempt a busy man to stay home from the theater to read it. No one of them is likely to prove to be anything more than the charmingly expressed elaboration of a private fancy. I should be the last to deny that such arabesques of beauty have their fascination and their high value as a form of subtle play for the mind. But the exquisite expression of a complex emotion or the sympathetic interpretation of a rare mood of nature interests only literary and studious people, who are few.

In saying these things I do not for a moment forget to blame those qualities of inertia, ignorance, and crassness in the public, which are the despair of the poet. The great mass of men will never be open to the direct influence of his idealism; they will always run away from his visions to see a moving-picture show. But even facing this fact, I am reluctant to admit that the poets are justified in dismissing the whole body of their contemporaries as a pack of vulgar fools. If the intelligent portion of the public is not drawn to their work, I think it occasion for a very searching self-examination on the part of the poets. The great need of the modern poet is to bring himself into a keener sense of service and into closer communication with his fellow-men. He has not gone his half of the way toward them, and he ought to go far more than half of the way. As Professor Santayana says:

> "Literature has its piety, its conscience. It cannot long forget, without forfeiting all dignity, that it serves a burdened and perplexed creature; a human animal struggling to persuade the universal sphinx to propose a more intelligible riddle."

Hence it is well for a writer to remember that the poets exist for the people, not the people for the poets, and that any sane ideal of the poet's function must shrink from the conception of a poetry which makes no honest attempt to reach the majority of even the distinctly intellectual portion of mankind. Art need never abandon those subtleties of technique which so fascinate the initiated, but its larger

masses and total purpose should have general intelligibility and universal appeal.

It is often said that any tendency in literature which has to rely on the appreciation of the few is likely to be an unsound one: and the saying is certainly true when the few are not the most vigorous natures, but rather the oversophisticated and impotent ones. Modern poets cannot flatter themselves that they, like Shelley, are too high and subtle of thought to be understood or appreciated by the general world. Their isolation is the result of aloofness from the concerns of toiling men and of the cultivation of a separate sphere of thought where trifles bulk large to the brooding consciousness. Nor can they, like Keats, plead the valid excuse of a new continent added to the world of pure Beauty. A new poetic form, the petty lyric, has been their contribution to the progress of poesy. With this petty lyric they have crowded the corners of the magazines and the lavender-colored bindings of the publishers, until even those of us who worship the very ground before the shrine of the Delphic Apollo cry out that these charms and amulets hawked in the streets are a sorry substitute for the grave authentic voice of the Oracle. For as the English poet, Maurice Browne, writes:

> "The poet is both artist and prophet. Poetry does not mean the making of verses. He who makes beautiful verses is an artist, one for whom no praise can be too great, since he adds to the world's pleasure. But the poet is something different, something, as I think, far higher. For not only must he be an artist, . . . but also he must have some great new hope to offer, some great new message to deliver, that men may pause awhile to listen and wonder and be glad."

Many of the minds whose sense of the perils of this present isolation might have produced a change have doubtless been drawn away from poetry to industrial work by the incomparably greater rewards and honors offered there. Meanwhile the remaining ones, a band of specialists, have developed their powers in the direction of graceful form, impeccable music, and delicate imagination, unaware that the great army of men was steadily marching away from them in the quest of practical achievement. And so the situation of to-day has resulted. The mind of the nation is intensely bent upon perfectly definite material or intellectual aims; the poets are pouring out a great wealth of exquisite jewel-work in song; and if for a moment the two divergent

parties pause to look at each other each is filled with astonishment, incredulity, and contempt for the employment of the other. As one of the most serious of modern poets, William Watson, puts it, it appears to the men of affairs that:

> "The idly tuneful, the loquacious throng
> Flutter and twitter, prodigal of time,
> And little masters make a toy of song
> Till grave men weary of the sound of rhyme."

To the poets it seems, in the words which an essayist, John Jay Chapman, uses in another connection, that:

> "The present commercial tyranny . . . lies like a heavy fog of intellectual depression over the whole kingdom of Mammon and is fed by the smoke from a million factories. The artist works in it, the thinker thinks in it. Even the saint is born in it. The rain of ashes from the nineteenth-century Vesuvius of business seems to be burying all our landscape."

And so the poets and the people move, in general apart, mutually misunderstanding and mutually disliking each other.

To bring them together would not be easy. It seems unlikely that the American people will ever become an audience possessed of the degree of cultivation required for a general appreciation of the play element in poetry. Certainly such is not to be expected for many, many generations. But ours is a people of astonishing intellectual vigor and great, perhaps unparalleled, imagination; and these two facts make it incredible that we shall continue forever to live on terms of divorce from our poets. The probable line along which the reconciliation must come is one which offers great encouragement for the future.

To me it is very clear that we must look to the other phase of poetry—not the play element, but the enlightening element—to bring about this reunion. I am optimistic enough to believe that, if contemporary poetry succeeded in expressing the living ideals and the significant forces of modern life the readers would no longer stand apart from it. I do not mean the butcher, the baker, and the candlestick-maker, who probably read nothing, but I have in mind the large class of educated men who to-day are strangers to poetry. They would listen, I think, if poetry were to speak to them loftily of the real interests of their lives, gripping their intellects and touching their hearts with the notes of a pas-

sion not alien to them. This formative side of poetry, this power of voicing vital aims and values, is not a dead force; it will at some future time draw the people back to it with an irresistible attraction.

Such a task the poets must assume. If they wish general attention they must crystallize from the cloudy liquor the thoughts gropingly present in the minds of all. They must formulate the common sympathies and desires, proclaiming with clearness and precision what the masses feel with indistinctness and vacillation. I cannot doubt the effect that such an achievement would produce. I believe that any poet could capture our attention in an instant if he were to speak to us about the vital elements of our emotion or the serious convictions of our intellect. We would listen gladly to a master of poetic insight and appropriate speech, who expressed truly and beautifully all that we feel and hope as to the progress of the race or the destiny of the individual.

This fact can be demonstrated by one familiar example. When Edwin Markham's "Man with the Hoe" was published, it came nearer than anything else has done, in my recollection, to becoming a great popular poem. It is a work of no extraordinary profundity of thought or beauty of language, but it happened to voice a criticism and an ideal which were latent in the minds of the many; and so it touched that hidden spring which controls the great flood of popular emotion. The infrequency of such an episode shows how far the poets are from understanding the common aims. Kipling comes nearer than most; but the praises which hailed his approach are dying out as men discover that his idealism is not high enough, his imagination not vast enough, his sympathies not magnanimous enough, to formulate their hopes, even though he tries with consummate skill to trick them by talking of their common affairs and in their common language. They perceive that he is a brilliant journalist, but not a seer or a poet.

Few modern poets make even such an attempt as this. As a class they have gone their way into a remote chamber of their own, a little jewel-cabinet such as that of which William Blake wrote:

> "The cabinet is formed of gold,
> And pearl and crystal shining bright,
> And within it opens into a world
> And a little lovely moony night."

Outside in the greater world of strenuous daylight the activity of life has gone on unabated by this withdrawal. I confess that I think it has gone on more blunderingly, with more misconceptions of the aims and ends of effort, and toward more barren goals than it might have done could it have had the benefit of the critical and interpretive power of a vigorous body of enlightening poetry. The ideals which it has developed are often false and generally ill-defined. They need exemplification, analysis, light. They need the utterance of a lofty voice, as once in a former time they found it in the poetry attributed to King David. Let us not forget what has been said many times before, that the prophets of Israel were the poets of Israel. And it still remains as true to-day as it was three thousand years ago that for the expressing and shaping of our highest intuitions, no medium can possibly take the place of poetry. As Shelley, perhaps the subtlest mind ever devoted to the study of the theory of this art, writes:

"The cultivation of poetry is never more to be desired than at periods when, from an excess of the selfish and calculating principle, the accumulations of the materials of life exceed the quantity of the power of assimilating them to the internal laws of human nature. . . . It is not for want of admirable doctrines that men hate, and despise, and censure, and deceive, and subjugate one another. . . . We want the creative faculty to imagine that which we know; we want the generous impulse to act that which we imagine; we want the poetry of life. . . ."

Great poetry is a trumpet to the spirit, a voice in the night. Our society in its search for happiness is marching to-day in a disordered mob along divergent paths largely because of the lack of such guidance.

Certain of the older poets, such as Milton and Shelley, were the very trumpet voices of the great hopes of their time. But they express the ideals of their age and not of ours. In their works marvelous treasures await the seeker, but the dust of years is upon them. Their revolutions are long since over; their revealments, however little use we make of them, have long since been commonplaces to us; we require a fresh statement of the eternal verities in their application to the interests which lie before us. This is a task that cannot be done once for all, since the basic facts of human nature, though immutable, appear in different forms to every age. Science, and social and religious changes have

revolutionized our outlook, opening to us a vast area of thought unknown a few decades ago. New interpretations are necessary and a recasting of old conceptions. A point of view from which to regard life, differing from any previous one, must be developed to embrace this widening of the mental horizon. This is the possible office of poetry and here the need of a great modern poet.

To me it is very clear that a remarkable period of poetic revival is at hand. I do not mean to indicate that I see the slightest tendency toward it as yet, for I see not even a glimmer of such an event. But I feel that present conditions necessarily imply such a step for the future. This chaos of popular ideals, this worship of second-rate gods, cannot be regarded, by any one who has faith in human nature, as a condition of permanent duration. The limousine cannot forever be regarded as the measure of individual happiness, nor the steel output as the index of national progress. A sense of purposelessness in national life, a need of an inspiriting idealism, a reaction against external and material standards, must certainly spring up in the general mind. Just as an observer at the end of the eighteenth century, looking upon the artificiality and shallowness which pervaded English manners and literature of that period, might have infallibly predicted that a thirst would soon arise which would drive the people toward the springs of a profounder conception of life, so to-day one may discern a different ailment and prophesy a new rejuvenation of spiritual activity. And just as the Romantic School of English Literature—Wordsworth, Shelley, Byron, and the rest—came into being to fill that new and groping need, so a new school of poets will miraculously appear to formulate for us a new idealism just as soon as the inadequacy of our present valuations makes the want of that idealism felt. At that moment, when the people realize that they need him, we shall be astounded by the voice of the first great American poet, springing—as Athena sprang full armed from the forehead of Zeus—out of the subconscious mental labor of the nation. I question whether he will arrive in our lifetime, but I have no doubt that the day of his coming is fixed.

Such a poet will find great stuff for poetry ready to his hand. The feelings and the hopes of the modern man in their completeness remain to be sung. Ralph Waldo Emerson said:

"Banks and tariffs, the newspapers and the caucus, Methodism and Unitarianism, are flat and dull to dull people, but rest on the same foundation of wonder as the town of Troy and the temple of Delos and are as swiftly passing away."

In the establishing of those foundations of wonder and in building upon them a satisfying conception of the new and the old elements of our world lies the opportunity of the future poet. With the success of such an attempt comes the scrutinizing of valuations, the expansion and clarifying of purposes, the widening of sympathies, and that humanistic outlook which we may describe in the words by which Walter Pater describes the humanism of the Renaissance:

"The belief that nothing which has ever interested men and women can wholly lose its vitality—no language they have spoken, no oracle beside which they have hushed their voices, no dream which has once been entertained by actual human minds, nothing about which they have ever been passionate or expended time and zeal."

And in taking up this task I believe that the poetry of the future must forget its own little personal preoccupation and predilections and be largely objective. The lyric impulse promises to give way to the epic. A more external, less introspective method must prevail, to produce for men who are intensely interested in external activities a poetry in which forms and forces shall combine in large and significant reactions. The method of Homer and Milton, not of Keats and Poe, the wide-seeing vision, not the private dream, will survive.

Arthur Davison Ficke.

WAGNER AS A LOVER

BY LAWRENCE GILMAN

It will be long before the world stops puzzling over the character of Richard Wagner. The most unconquerable of idealists, he was one of the meanest of men. In his human relationships he was time and again grossly ignoble; he was all that was selfish, petty, dishonorable; he seldom in all his long life performed a chivalric or unselfish act; he seems to have been almost incapable of self-sacrifice. Yet think of the soul that the man reveals in his art! He wrote music that is among the noblest, the most aspiring, that we have—music full of the sense of immortal things, full of humanity, full of ardor, tenderness, magnanimity, serenity: that can be as sweet and wise and mellow and humane as Shakespeare in his comedies; that at its best is full of high spiritual intuition. In the life that he lived before the world he was a sentimentalist, a voluptuary, an incredible egoist, a cad; he was vindictive; he was preposterously ungrateful: yet the spirit that shaped those masterpieces that are among the chief glories of music is as great a spirit as that of Æschylus, Dante, Shakespeare. There is no loveliness in any art, no ecstasy, that equals the loveliness and the ecstasy of *Tristan und Isolde;* there is no tragedy that surpasses in depth, breadth, height, weight, in sublimity and pathos and power, the stupendous finale of *Der Ring des Nibelungen;* and the celestial sweetness that broods upon the last act of *Parsifal* is among the supreme, the ineffable things of art.

There is the enigma that we call Wagner. It goes without saying that every fresh revelation of the nature of this extraordinary being—surely one of the most prodigious intellects, one of the greatest souls, one of the most contemptible men, that history has known—is of extraordinary interest. Such a revelation, and an extensive and important

one, is supplied by the long awaited autobiography of the master, *My Life* (Mein Leben),* which has at last appeared, in both German and English, with the imperial sanction of Wahnfried.

The Autobiography is remarkable in many ways. It is remarkable for what it reveals and for what it conceals: for its astonishing candor and its no less astonishing reticence; and it is remarkable for the vividness, the unexpected charm, of its narrative; for Wagner elsewhere is usually dull and repellant as a writer.

The title of the Autobiography is misleading. It is far from being a comprehensive record of Wagner's career. Wagner died in 1883; yet the book carries the story of his life only to the year 1864. It leaves untold the whole momentous episode of Bayreuth; it tells us nothing of the production of the *Ring;* of the composition of *Parsifal;* of Wagner's acquisition of his friend's wife, of his intercourse with Nietzsche; of his last and engrossing days at Wahnfried: it omits, in short, almost a quarter-century, and that in some ways the most interesting, of his life. So far as the world has been officially informed, there is no more to follow; yet rumor has whispered that, at the pleasure of Frau Wagner, more will be forthcoming—a volume whose publication, it may be, awaits the death of the composer's relict.

Yet, despite its incompleteness, there is much to be grateful for in the Autobiography. The first volume (the work as a whole contains almost 900 pages) traverses the years 1813–1850, and tells us of Wagner's youth, school-days, early musical studies, his peregrinations, his meeting with Minna Planer, his marriage to her, the pathetic and terrible days in Paris, the Dresden period; of the evolution of the early operas—*Rienzi, The Flying Dutchman, Tannhäuser, Lohengrin;* and we get descriptions of his flight to Weimar, and of experiences in Zurich, Paris, Bordeaux, Geneva. Volume Two takes us from 1850 to 1864, and deals with the *Ring,* Schopenhauer, the composition of *Tristan,* his adventures in London, Liszt and the Princess Wittgenstein, Zurich, the establishment of the "Asyl," Venice, Lucerne, Paris and the *Tannhäuser*-Jockey Club affair, Vienna, Stuttgart, Munich; and it closes with the momentous communication from King Ludwig.

* *My Life.* By Richard Wagner. 2 vols. Dodd, Mead, & Co., New York.

The most important feature of the Autobiography, considered as a revelation of character, is what it says of Wagner's relations with the various women who came into his life,—with Minna Planer, his first wife; with Jessie Laussot; with Cosima von Bülow,—and what it does *not* say of his relations with Mathilde Wesendonck. As an assembling and disclosure of new details, aside from these matters, the book is not especially noteworthy, though the narrative of his early life—of his youth and young manhood, his first adventures as a student and musician, his adolescent infatuations—contains much that is fresh and informing. What he says of his works contributes little that is valuable to our knowledge of them, and sheds no new light upon his activities as an artist; for it is to be remembered that Wagner, in his voluminous essays, pamphlets, letters, has left little for any one, even his voluble self, to say concerning his relation to his art, his theories, his ideals. It is to those portions which show us the singular character of Wagner the man, particularly as evidenced in his love-affairs, that the discerning reader will most eagerly turn.

From the days of his calf loves, women played a tumultuous and obsessing part in Wagner's existence. It would not be impossible to demonstrate that a large proportion of the emotional content of his music has its roots in the sexual consciousness. For Wagner, as George Moore long ago observed, was as full of sex as Rossetti. Indeed, it is to Rossetti and *The House of Life* that we must go to find, anywhere in art, an utterance of sexual emotion that will bear comparison, for intensity of feeling and rapturous beauty of declaration, with *Tristan und Isolde;* though the poet never, of course, achieves the incandescent passion and the overpowering eloquence which make that ever-marvelous score a masterpiece lonely and unapproachable. Perhaps it is true that Wagner, like the young St. Augustine, was in love with love; it is probably truer still that, perpetually consumed and renewed by the fire within, he sought ever a temple for the flame. It is certain that he was a man in whom passion was exigent and imperious; that he was full of a mysticism that could be sensuous as well as ennobled; that he was an inappeasible egoist, an arrant sentimentalist. Is it any wonder that women played in his life the part they did? They brought out the best that was

in him—but it went straight into his art, and stayed there. The flower of his passions is to be found, matchless for glowing beauty and intoxicating fragrance, in his music. The best that women awoke in him sings itself eternally in *Walküre,* in *Siegfried*, in *Götterdämmerung*, in *Meistersinger*, and in the unequaled outpourings of *Tristan und Isolde;* but their influence made him cut a sorry figure in his outward life.

He reveals himself characteristically in his dealings with Minna Planer. It is not easy to be patient with Wagner's attitude toward his first wife, as disclosed in his account, nor to forgive the things he has permitted himself to say of her. He writes of her with a frankness that is unsparing, venomous, and—not to put too fine a point upon it—contemptible. It is indisputable that he chose unwisely when he took her for his wife. She was a grotesquely unfit companion for an irritable, impecunious idealist, for a prodigious genius with a momentous esthetic message for the world, and in perpetual travail with masterpieces. Doubtless her defects of intelligence, her materialism, her bourgeois soul, her vicious habits, tried him desperately. But Wagner was under no delusions concerning Minna when, after first adding to her considerable record of indiscretions with men, he persuaded her to marry him. That she stuck loyally by him through the wretched and arduous days of his early career, that she slaved for him patiently, that she bore with his temper, his infirmities, his brutal selfishness—these things are admitted. One has only to run a casual eye down the index at the end of the Autobiography, under "Planer, Minna," to glean something of the truth. "Domestic quarrels," begins the record; then: "flight from home" (doubtless, if Wagner is to be trusted, a reprehensible episode, for she went off with a lover, and afterward admitted to Wagner, so he says, her infidelity); but thereafter we read: "Returns to her husband"; "rejoins Wagner at Riga"; "her illness and distress"; "her delight at Wagner's appointment to royal conductorship"; "joins Wagner at Magdala"; "rejoins Wagner at Zurich"; "seeks Wagner in Paris"; "illness of"; "joins Wagner in Lugano"; "goes for a cure to Seligsburg"; "negotiates for Wagner in Berlin"; "parting from Wagner"; "reconciliation with Wagner"; "joins Wagner in Paris"; "ill-health of"; "resumes treatment at Soden Baths"; "writes to Wagner on the occasion of their silver

wedding ''; '' parting with Wagner.'' Of course one must not be led by pity for the mistreated wife of an unlovely genius into claiming for her a sympathy that is not her due. It is altogether likely, admitting the very least, that for a man like Wagner, she was, after his passion for her had spent itself, an extremely trying, even an insupportable, companion. Wagner alleges, further, that she was '' unsympathetic '' (was he fool enough to expect intellectual companionship?); that she was suspicious and jealous (Heaven knows he gave her cause to be!); that she was unchaste before marriage and adulterous after marriage—but this last we have only on his own word: Minna's story has never been told. There is no good reason for doubting the truth of Wagner's assertions; only his narrative would leave a pleasanter taste in the mouth if he had omitted his callous and detailed recital of Minna's shortcomings and transgressions. He calmly tells us that, to further her ambition as an actress, she yielded herself to men having influence and authority; thus '' it was clearly impossible for her not to lose all real sense of delicacy.'' He speaks of '' her strange tolerance with regard to certain familiarities and even importunities on the part of patrons of the theater, directed even against her person ''; of his own '' greater delicacy in regard to morality ''; he refers to her contemptuously as '' a girl sprung from the lower middle class, in whom mere superficial polish had taken the place of any true culture ''; she was, moreover, '' without idealism; she had no artistic feeling.'' And then he assures us, with absurd and Pecksniffian solemnity, that she attracted him because of '' the soberness and seriousness of her character, which supplemented what I felt to be wanting in my own '': Wagner in this recital is at times singularly asinine. Moreover, all this moral indignation over Minna's infirmities, and pained regret at her culpable demeanor, comes with exceedingly bad grace from a man who, at the time his narrative was written, had been living in adultery with his friend's wife, whom he did not marry until after she had borne him a child; from a man who never made the smallest effort to deny himself the gratification of any desire, licit or illicit; who, in his sexual conduct, was unconcernedly and completely lawless. In truth, Wagner's pharisaism in his Autobiography is as detestable as it is fatuous.

It was a little more than a decade after his marriage to Minna that Wagner had his encounter with Jessie Laussot, a young Englishwoman, the wife of a French wine merchant of Bordeaux, whom the incorrigible Richard met in Dresden, and who seems to have fallen in love both with the musician and the musician's art. Just what part Wagner bore in this affair it is not easy to glean from his vague and ambiguous account; but one suspects that he played the cad. According to his own story, he was, as usual, blameless in the matter—it was the lady who did all the importuning, and who proposed an elopement. At all events, Jessie's mother wrote to Minna complaining, to quote Wagner's own words, "of my intention to commit adultery" (he had previously, he says, written a few lines to Jessie "exhorting her to be calm and self-possessed"). The episode, after the threat of a bullet from the injured M. Laussot and an unpleasant incident in a police court, ended with the departure from the scene of the inflammable young woman, who seems then to have passed entirely out of Wagner's life, leaving only, doubtless, her image imprinted on his music, and anguish in the heart and reproaches on the lips of the unfortunate Minna.

Wagner's reticence in the case of Jessie Laussot is an instance of those evasions for which the Autobiography is remarkable. A far more flagrant instance is his treatment of the famous Wesendonck episode. Wagner began to dictate these memoirs to Cosima in 1869; his letters to Mathilde Wesendonck, the wife of one of his numerous benefactors, were written to her during the composition of *Tristan und Isolde* a decade earlier, but they were not given to the world until 1905, forty-odd years after the dictation of the memoirs and twenty-two years after Wagner's death. To his amanuensis, it would have appeared that Wagner's relationship with Mathilde Wesendonck was little more than that of a friend. Was he trying to convey this impression to Cosima when he dictated to her these memoirs, or was his object to conceal his affair with Mathilde from the world? The case is an odd one, for Frau Wagner consented to the publication of her husband's letters to Mathilde in 1905; yet now, six years afterward, she permits this palpably evasive account to go forth. In any case, Wagner, to be as plain-spoken as himself, has lied quite brazenly in the Autobiography concerning his part in the Wesendonck affair. As

we know from his correspondence, he was deeply in love with the wife of Otto Wesendonck. His letters to her are extraordinary for their passion, their tenderness, their ecstatic abandonment of devotion. By his own admission, it was she who inspired the music of that most wonderful of love-songs, *Tristan und Isolde*. The degree of their intimacy is not certainly known; but it is a fact that Minna—the ever-betrayed and anguished Minna—intercepted one of Wagner's letters to Mathilde; that she went to Otto Wesendonck; and that on the latter's advice Wagner left the vicinity, with much trepidation and a minimum of dignity. Yet in Wagner's recital of the events of this period—the most emotionally turbulent of his life—we find only a few casual references to the woman who was then the dominating influence in his existence. We get mere hints of the true situation: as when he complains petulantly that Otto Wesendonck insisted upon taking part in conversations and entertainments—in Wesendonck's own home! Or when he refers to a note which he sent to Frau Wesendonck, accompanying a pencil-sketch of the *Tristan* prelude, "in which I expressed to her seriously and calmly the feelings that animated me at the time" (it was this serious and calm note which Minna intercepted, and which caused her to go to the lady's husband); and he speaks blandly of Minna's "utter misconstruction of my purely friendly relations with the young wife, whose only interest in me consisted in her solicitude for my peace of mind and well-being." Is it not astonishing that Wagner's present wife should have been willing to give forth this disingenuous account in the face of Wagner's own published testimony to the actual facts?

Let us for a moment refresh our minds concerning the "purely friendly relations" which Wagner maintained with Mathilde Wesendonck, in order that we may get some measure of the trustworthiness of much that Wagner has to say in the Autobiography concerning his relations with women. Let us recall certain passages from these infinitely touching letters to Mathilde—letters that are unique in the literature of passion:

"And my dear Muse still stays afar? In silence I awaited her visit; with pleadings I would not disquiet her. For the Muse, like Love, beatifies but freely; woe to the fool, woe to the loveless, who fain would constrain what will not yield itself of its free will. They cannot be constrained; is it not

so? Not so? How could Love be Muse withal, did it let itself be forced? And my dear Muse stays far from me? . . . ."

" That letter—how mournful it has made me! The demon moves from out one heart into the other. How subjugate it? O we poor creatures! We are not our own. Demon, change to god! . . . ."

" What a wondrous birth of our child of sorrows! [accompanying sketches for Act II. of *Tristan.*] Had we to live, then, after all? From whom could it be asked that he should forsake his children?"

" God stand by us, poor creatures!"

" Or are we too rich?"

" Must we help ourselves unaided? . . . ."

" Surely thou didst not expect me to leave thy marvelously beautiful letter unanswered? Or was I to forgo the privilege of replying to the noblest word? And how could I reply to thee, but in a manner worthy of thee?"

" The stupendous conflicts we have passed, how could they end but with the victory over every wish and longing?"

" In the most fervent moments of approximation, did we not know that this was our goal? . . . ."

" When a month gone by I told thy husband my resolve to break off personal commune with you, I had—given thee up, albeit I was not yet altogether whole in that. For I merely felt that nothing save a total severance, or—a total union, could secure our love against the terrible collisions to which we had seen it exposed in these latter times. Thus the sense of the necessity of our parting was haunted by the possibility—present to the mind, if not to the will—of union. In that still lay a racking suspense which neither of us could bear. . . ."

" So deeply and terribly as in these last few months, have I never been affected in my life. All earlier impressions were void of meaning 'gainst these last. Shocks such as I endured in that catastrophe were bound to plough deep furrows in me. . . ."

" My child, these last months have perceptibly blanched the hair on my temples; there is a voice in me that cries with yearning after rest, that rest which long, long years ago I made my Flying Dutchman yearn for. . . ."

" Farewell, my dear hallowed angel!"

" I shall not often visit you. . . . Of old, maybe, I have

sought thy house in suffering and longing: thither, whence I wanted solace, have I brought unrest and suffering. That shall be no more. . . ."

"Farewell! Farewell, dear love! . . ."

"Where'er I be, I shall be wholly thine now. . . . Auf Wiedersehen! Dear soul of my soul, farewell—auf Wiedersehen!"*

Touching, indeed, are these outgivings—they are worthy of the author of *Tristan*. But is it any wonder that Minna, that Otto Wesendonck, "misconstrued" those "purely friendly relations" which Wagner so indignantly asserts?

We come to the last of Wagner's amorous adventures, his meeting with and seduction of Cosima von Bülow. This lady, the illegitimate daughter of Franz Liszt and the Comtesse d'Agoult, was the wife of Wagner's devoted friend and apostle, Hans von Bülow. Wagner's narration of the growing intimacy between himself and his friend's wife betrays his usual stupefying lack of humor, his amazing complacency and smug self-satisfaction, his bland conceit, his utter inability to perceive his own caddishness. It is not an edifying tale. Let those who savor the curiosities of self-revelation read Wagner's account of the ride in an empty wheelbarrow which he proposed to Cosima, and his reference to the drive which he took with her while she was *enceinte*. The record discreetly stops short of the day when Wagner finally betrayed his friend and took away his wife.

Mr. Ernest Newman, probably the most eminent and certainly the ablest of living writers upon music, whose Wagnerian criticism is unequaled for insight and acumen, has observed that "the real Wagner speaks to us in these pages." But is that entirely true? Is there not much that he does not, that he cannot, say to us of himself? Is the Wagner of the Autobiography any more "real" than the Wagner of the *Liebestod*?

The Autobiography is calculated to tempt the inconsiderate reader to condemn Wagner unreservedly. And indeed we may justly abhor his exasperating self-righteousness, his meanness and ingratitude and treachery, his prevarications; we may regret his appalling deficiency of humor, his incapability of self-examination; yet there is not a little to be said in extenuation. He was far from being a normal

* William Ashton Ellis's translation.

human being. He was tortured all his life by an esthetic vision of unimagined splendor and urgency—it might be said of him, as truly as of Bunyan, that he was "the prince of dreamers." The man in whose brain and heart were germinating the miracles of the *Ring* and *Tristan, Meistersinger* and *Parsifal,* has some claim upon the tolerance of posterity. Moreover, he was sickly; he was excessively sensitive; his nerves were usually on the raw; he was, for the greater part of his life, miserably unfortunate; and he was fighting almost single-handed, against seemingly invincible stupidity, inertia, and malevolence, to bring about an esthetic revolution of the first magnitude. It is the more reasonable way to regard Wagner not as a man, but as a mere channel of artistic expression, an instrument through which the creative Will wrought some of its most triumphant and perfect work. As an artist, a conveyor of beauty, he was a magnificent success: he stands with the greatest. But, even viewed as a man, are we perfectly sure that we are right in condemning him? Are the usual standards always rigidly to be applied? We cannot help revolting instinctively from such conduct, from such a nature, as Wagner's. But is it not wiser to wonder and sorrow than to judge? Is it not wiser to stand in silence before the tangled web of human passion and human destiny, regretting that an essentially noble nature can be so wrought upon by the stress of living? Consider, finally, that Wagner felt with exceptional intensity the terrible attraction of sex. He knew, with a continuance that few have known, the ecstasy of love, and the ineffable sadness that is twin sister to Love, and walks beside her—those two shapes of light and shadow that stand always before the dreaming and desiring soul, and that bend upon us eyes that are equally unfathomable, for they hold in their depths the profoundest secrets of our being: the mysterious springs of desire and regret. Yet who shall say that, when they beckon us, they are not leading us, by ways however tortuous, to those ultimate fountains of delight where dwells the Eternal Presence? Who shall say that any dream in which we seem to weep, or which wings us for an enchanted and rapturous moment above the valleys, is not touched with immortal light?

Lawrence Gilman.

THE GOSSIP OF AN AMBASSADOR

BY LOUISE MORGAN SILL

When Thomas François Chabod, Marquis of Saint-Maurice, was sent in 1667 by his royal master, the Duke of Savoy, Charles Emmanuel II., on a special mission to the brilliant and intriguing Court of Louis XIV., he was charged by the Duke to keep him advised not only of affairs of graver importance, but of all the gossip of the Court. For the Duke was the son of Christine de France, sister of Louis XIV., and therefore first cousin to the King; and being a man of gallantry besides, it was not unnatural that he should feel a keen interest in the comedies and tragedies of manners at Paris, St.-Germain, and Versailles. The result of these royal commands was a voluminous correspondence from the most faithful and obedient of diplomats, a correspondence which, reposing in the archives at Turin, would fill fifteen or twenty doughty volumes, but from which the editor, Monsieur Jean Lemoine, has drawn one volume only. It is this volume, with its picturesque additions to seventeenth-century memoirs, with which we are concerned.

The Marquis of Saint-Maurice, when he made his careful and dignified entrance into Paris, was not a stranger to the French Court. His grandfather had been three times Ambassador to France, his father (loved by Richelieu and Mazarin) had once represented Savoy at the same Court, and he himself was personally known to Louis XIV., having presented to him in 1661 the compliments of the Duke of Savoy on the birth of the Dauphin and having brought to the latter a wonderful jeweled drum as a gift from the royal infant of Savoy. "Monsieur le Dauphin," * he wrote to his master at home, "is a handsome prince, with a lively mind, and talks well, but he is proud and obstinate and fears no one but the King."

* Louis, known as "le Grand Dauphin," born November 1st, 1661.

He gives an interesting picture of the royal little boy of six receiving the Ambassador from Savoy:

"There were guards under arms and an officer at the door, and within sat Monsieur le Dauphin wearing his hat, which he lifted to me. I made him a reverence and presented your Royal Highness's compliments; he arose with his hat in his hand, and his governess, Madame la Maréchale de la Mothe [Houdancourt] answered as if to instruct him what to say. I then presented the drum with which he was delighted, and it was necessary to explain everything to him."

He wore a doublet and hose and a little wig.

Later Saint-Maurice writes the Duke of the severity of the Dauphin's education under Montausier. Aged about seven, he was separated from his father and mother, lodged at the Louvre while his parents were at the Tuileries, and saw them but once a week:

"He is not allowed to do anything he wishes nor eat anything he asks for; he is threatened with whipping and put into prison; but these punishments have now ceased, as he has become very submissive and has lost the headstrong humor which the Queen and the ladies had allowed him to indulge in their fear of angering him."

Saint-Maurice, therefore, in consideration of his father's services and of his own, had been accorded by Louis XIV. certain seignorial rights in France, and when he reached that country in 1667 he was received with all the honors given to ambassadors from kings. To be a successful ambassador to this Court, Saint-Maurice wrote to the Duke that it was necessary to speak French well, and to have a knowledge of general history and somewhat of war, "for one or the other form all the conversations." He added that it was also necessary to have an open and liberal mind and *savoir faire,* and to be familiar with treaties "and the interests of Princes." All these qualifications Saint-Maurice possessed, including a perfect familiarity with French, which is not surprising when we remember the affiliations of the House of Savoy with the royal family of France.

Although the King was only twenty-four years old at this time, he was dictating laws to Europe and attracting universal attention. Saint-Maurice describes him as he appeared during his first visit. He wore a black velvet doublet with gold-embroidered half-vest; his hat was on his head and a cane in his hand. The ambassador bowed profoundly, whereupon the King removed his hat and replaced it. He

seemed neither proud nor severe. On the contrary, his face was *"fort doux."*

Saint-Maurice reached Paris in April, and it was not until September that he was raised by Duke Charles Emmanuel to the full rank of *ambassadeur ordinaire.* His delight in this mark of his royal master's confidence is spontaneous, and he writes him renewed assurances of his unswerving devotion. With the sense of a practical man, and one fully conscious of the responsibility his diplomatic honors lay upon him, he proceeds to explain his financial status and the necessities for expenditure in order to sustain his rank and reflect properly the luster of his master. He reminds the Duke of his limited means, that he has a mother, a wife, and eleven children (the children became thirteen before the worthy gentleman's embassy was terminated), and naïvely adds that if the Duke possesses an extra old dais, not then in use, covered perhaps with velvet and with gold or silver trimmings, he would much appreciate its loan, as it would save him expenditure for something which would be a superfluity when his visit to France should have been concluded.

Behold our ambassador, then, launched in the full glory of what seemed to him a great mission. He is so perfectly the royal man of a royal master that the reader is curiously puzzled at times to know what traits of vanity or greatness are individual to the man himself or merely the reflection of those of the Duke whom he serves. He writes more approvingly of those who accord him the more honor, never forgetting to add that it is his master's honor only which he is concerned fittingly to represent. He gossips of Court intrigues like any chattering Marquise or Duchesse, but it is only to please his master who wishes to be amused. He never mentions Molière or Racine because, as he reminds the Duke, his son, the young Count of Saint-Maurice, had been commissioned by his Royal Highness to report all the news of the drama. He deliberately cultivates the society of ladies of quality for the purpose of gathering gossip from a fruitful if not always reliable source, and even uses their acquaintance when possible to further the affairs of his adored Duke. Madame de la Fayette, friend of his own Duchess of Savoy, of Madame de Sévigné, and many other illustrious personages of her time, was apparently a powerful friend of Saint-Maurice's and aided him in obtaining the recall of the Marquis of Villars, an imperious and vindictive

man who had been sent by Louis XIV. to the Court at Turin and whom Saint-Maurice suspected of political intrigue harmful to the House of Savoy. The younger ladies Saint-Maurice was in fear of, for, it appears, a curious reason. He explains to the Duke that he did not see them often because they would undoubtedly turn his deafness to ridicule —a vivid commentary on the current conception of manners even at a time and in a Court where manners were a fine art. He complains frequently of the lack of deference of the French to strangers and the offensive pride of some of the ladies of the Court. "An ambassador of rank," he candidly writes, "cannot wait upon ladies who treat every one with scorn and hauteur." This pride of the women at a time when their influence was indeed effective brought about some extraordinary incidents, among which Saint-Maurice recounts the following:

"One evening at Versailles when the Queen was playing cards the Countess of Soissons—cousin by marriage to the Duke of Savoy—who was sitting near Her Majesty, left the room. The Countess of Gramont, an Englishwoman proud of her position as relative of Charles II. of England, was *croupier*. She took the vacant tabouret of the Countess of Soissons. The latter, returning, said, 'That is my seat.' The Countess of Gramont replied, coldly, without moving, 'We shall see.' The other lady retorted only by scornful laughter. The Count of Gramont interfered and said to the Countess of Soissons: 'Madame, one does not nail down the chairs here' *(on ne cloue pas ici les chaises)*. 'My wife will remain where she is; we are of as good a house as yourself.' Although the Queen overheard all, she dared not speak, though one of her ladies endeavored to restore peace. Later the King commanded the Count and Countess of Gramont to apologize to the Countess of Soissons; whereupon the Count's brother, a marshal of France, demanded that the entire company of the marshals of France should take cognizance of the affair. These judicious gentlemen decided that the apology must be offered."*

At about the same time the Countess of Gramont, her hauteur in no wise diminished despite the check it had received, entered the Queen's coach uninvited as the latter was about to take an airing. The Queen commanded her to enter the second coach, but this hardy lady, persisting in taking her seat, replied that it was not suitable to her rank to ride in a coach behind, and "the good Queen suffered it all without another word." The only comment Saint-Maurice allowed himself in relating this trivial but significant tale was that the pride of the Countess of Gramont caused her "*faire bien des pas de mauvaise grâce.*"

* *Lettres sur la Cour de Louis XIV.* By Jean Lemoine, p. 375.

The patience of the Queen was marvelous. Daughter of Philip IV. of Spain by his first wife, Elizabeth of France, young, proud, a mother, she led, on the whole, a life of neglect. Saint-Maurice continually speaks of her with pity. "She is an example of piety and virtue!" he exclaims, and adds that she is not only neglected by her royal husband, fatally absorbed by the *"dames de la faveur,"* but by all the Court. She occupied herself with her children—most of whom died in quick succession—with her religion, card-playing, and the Spanish comedy. The ladies and gentlemen of the Court were frankly bored by the latter diversion, and the poor Queen found it difficult to gather an audience for her native drama. The theater was always empty and cold, says Saint-Maurice. He admires the Queen for resigning herself so commendably to her unhappy life, and explains that she is controlled by the Carmelite nuns of the Rue Bouloi, "of whom the King avails himself for that purpose." That the Queen had something of a struggle to achieve this spiritual resignation is made plain by the testimony of Mademoiselle de Montpensier in her Memoirs. She relates how, when Mademoiselle de la Vallière, uninvited, visited the Queen at Compiègne, the latter " wept, was attacked by nausea, and refused all food." Mesdames de la Vallière and de Montespan frequently rode in the Queen's own coach, and in many ways their society was forced upon her. The Queen at this time was twenty-nine years of age, Mademoiselle de la Vallière twenty-three, and Madame de Montespan, daughter of the Duke of Montemart and just beginning to receive the special notice of the King, was twenty-six. Saint-Maurice writes that in order to obtain news of La Vallière, soon raised to the rank of Duchess, the courtiers and ladies arranged that their gentlemen-in-waiting should intrigue with the *femmes de chambre* of the King's favorite, but upon the Duchess becoming aware of the situation her women were all discharged.

Saint-Maurice found the French Court much to his taste. He wrote to his good-natured master:

"At the King's levee the Court is the most beautiful thing in the world. I was there yesterday, and there were three drawing-rooms full of people of quality—a crowd. It was incredibly difficult to enter the room where His Majesty was. There were more than eight hundred coaches in front of the Louvre."

Extravagance of every sort ran riot, of which our am-

bassador gives examples in a letter written to the Duchess of Savoy in 1670, when the Court went to Chambord for rest and diversion:

"The doublets of the Court ladies for this journey are horribly dear. They cost each two thousand écus" (six thousand francs) "with the skirt, and the ladies have five or six changes. I saw those of the Countess of Soissons."

Continuing his gossip for the benefit of the royal lady, he writes:

"The newest fancy is for silver boxes holding Chinese orange-trees, which are kept all summer in the rooms. I have seen two which were valued at six hundred francs."

But Louis expressed himself as satisfied with the financial administration of Colbert. According to Saint-Maurice, he said:

"Never was kingdom so well ordered and rich as his own; that he had ninety-two millions of revenue; that with thirty-five or thirty-six he paid all the expense so carefully that he saved every year fifty-six millions for war."

Saint-Maurice continually praises the King's kindness and generosity, while alluding also to his dignity and severity. He says that Louis spent ten and twenty times more than any other French King. "Never was there so generous a King to his servants and all who approach him." And, again, "One never saw King so much *honnête homme*." Nevertheless, in 1670 there were frequent rumors that the King's coffers were low. Colbert demanded two millions advance from the farmers-general, who refused it. The King's enormous expenses for his palaces, his pleasures, his journeys, his buildings, the camp and the navy, required all the financial genius of Colbert to counterbalance. This minister had also a genius for nepotism, and Saint-Maurice avers that he was forever assiduous in promoting the welfare of his relatives.

Meanwhile the King, whether at war or play, lived an ordered and industrious life, with set hours for work, meals, retiring, and rising. If Saint-Maurice has to complain that Louis appeared to avoid the dignitaries of his Court, that he spoke with the foreign ministers only at the audiences, or when he sent for them on occasion to discuss some special affair, he is pleased also to report to his master at home that the King always raises his hat to him with marked

courtesy, and that his wife is treated with great kindness and honor by the Queen. He often refers to the King's perfect dignity and restraint; to the fact that he was very secretive concerning his plans and policies, and that even those nearest him dared not question him. Louis was jealous of his reputation for ability and wisdom, wished to divide with no one the credit for his own ideas, and, above all, desired it should not be thought that he was governed by his ministers. He took care also that the latter should not share this delusion. He was jealous also of attention. When Colbert's young son, studying at the Collège de Clermont, distinguished himself brilliantly with a thesis, the Court and everybody went to hear the precocious scholar, and Saint-Maurice testifies that the King's displeasure at the social honor paid to Colbert was manifest. On the other hand, Louis spared himself no trouble in order to perform his duty. He held council twice a day with his three ministers and sometimes the marshal of Turenne. Saint-Maurice writes in 1667:

"The King works incessantly and all day. In his hours of relaxation he plays tennis, inspects on horseback his household troops, makes a few visits, calls upon Madame de la Vallière, and now and then there is a ball or comedy at the Tuileries."

Turenne warned the King that he gave himself too much care and would become ill, to which Louis replied, "Monsieur le Maréchal, you do not love my glory to speak thus to me." One reads in *La Gazette de France* of that day that after his religious devotions the King touched a large number of sick people at the Palace of the Tuileries. "The King does everything with a good grace and without *empressement,*" wrote Saint-Maurice.

Louis, though still little more than a boy, was also engaged with his Memoirs, upon which, Saint-Maurice reports, he worked in the evening, "*après avoir donné le petit bon soir.*" These are the "*Mémoires pour l'Instruction du Dauphin,*" and were edited by the President of Périgny, to whom the sheets were sent as the King finished them. They furnish not the most insignificant evidence of the grave sense of responsibility visible in so many of the acts of Louis XIV. His fondness for the society of women Saint-Maurice explains by the delight he had in their presence, the great amusement he derived from their conversation, and the protection they insured him from too great fa-

miliarity of the courtiers, "which he does not want." The idea of this powerful King being protected by clever and beautiful women of quality from the encroachments and self-interested intrigues of the gentlemen of his entourage forms a novel picture in the reader's mind.

When, in 1667, Louis led his troops in person to the war in Flanders our ambassador thought it wise to accompany him, and asks his master's approval should the King accede to his request. Saint-Maurice was then in early middle age and characteristically complains that the King's Minister of War, Louvois, wanted only young men for the army, the King wanted what Louvois did, and the result was that old and experienced officers were not used. His own intention was merely to pay court to the King and to study military conditions and events. Later, launched upon his expedition, he enthusiastically praises the French troops:

> "I am struck with the admirable behavior of the soldiers. Never were any so hardy, better disciplined, or more obedient."

And again, "Never have I seen such discipline among troops." There were perfect alignment and complete silence. Later he refers to desertions and lack of order and complaints against Louvois for having badly supplied the needs of the army. The army even grumbled against a brief visit which Louis paid during the campaign to Compiègne to see the Queen and the ladies of the Court who had come thither with the army. The latter blamed Turenne for allowing the King to indulge in this digression from the seat of war; but Louis explains in his Memoirs that he made the journey in an interval of inactivity not only to refresh himself in the company of the Queen and his children, but to demonstrate to his people how easily in the midst of war he could return to Paris in case of necessity and to set at rest certain disquietudes within the kingdom.

This war—undertaken in order to wrest from Spain such lands as belonged by "*droit de dévolution*" to Queen Marie Thérèse—was popular in the Court, and Saint-Maurice exclaims that everybody is going into debt, pledging valuable silver and jewels, and pressing his farmers for more and more money to defray the incidental costs for equipages, and so forth. Both the ladies and gentlemen submitted with a good grace to the inconveniences of traveling with an army rather than be left behind at Versailles when the King was

absent. He writes his Duke also of the many and various difficulties during this campaign:

"I have not yet been able to see any of the Ministers, and they have been for days at a time unable to see the King and have also suffered with hunger."

His own coach and luggage, he writes, are continually separated from him; that he has not yet even seen his bed, but has slept under a tree wrapped in his cloak, with the exception of one evening when, by good luck, his coach arrived at midnight. He eats as he can, and never, he adds, "have there been such great inconveniences in an army." But he never permits himself to complain to the French, and blames his own stupidity in not having brought mules, the only hope "in an army like this," and consoles himself by the reflection that few others are in better case.

As for the King, he worked as faithfully as usual. He went every night to the bivouac and remained until sunrise. During one such absence his camp took fire and was completely destroyed—tents, furniture, horses, coaches, his silver melted in part, and several persons injured. Saint-Maurice says nothing of the King's submission to this inconvenience, except that upon receiving the news he remained at the bivouac and slept in a neighboring tent. Louis's own tents are described as "the most sumptuous and spacious imaginable, lined with damask or 'satinade.' In each are three or four chandeliers of gilded wood." It is amusing to read that even here the King is always dressed with care, that he wears his mustache *retroussée,* and is sometimes engaged for half an hour before the mirror in waxing it; that he wears a linen shirt, a cravat, clocks, and a cloth doublet; that he spends more than an hour and a half at his toilet, but does not suffer any ennui because his gentlemen constantly converse with him and tell him amusing stories.

Saint-Maurice complacently reports to the Duke the thousand and one courtesies shown him by the courtiers in the camp, but is piqued because the King has not commanded his presence at the royal table. The ambassador contrives to have business with Louis at the dinner hour, hoping that his presence will incite the King's favor, but the harmless ruse is a failure. The King's table was oval, and the royal food was not separated from that of the others. All who dined with him wore their hats. During this campaign "one

never knows the hour when the King will eat, but it is never before four or five in the afternoon." But the general regularity of Louis's habits remained unbroken and his only thoughts were of war and glory. Saint-Maurice bears no ill-will toward him for not requiring his presence at dinner, and writes, "The King speaks little, but always good sense." To his devotion to his troops Saint-Maurice also repeatedly testifies.

After the successful Flanders campaign the Court remained at St.-Germain, where the King attended assiduously to affairs or played tennis, went hawking, and "made love." Of the last occupation Saint-Maurice says there is so much gossip that he can scarcely know whom to believe and whom to doubt. The rumors of the King's favor toward various ladies rose and fell daily like reports of the modern stock-market.

But the King, despite these vagaries of his private life, never loses sight of the welfare of his kingdom nor of the splendor of his own glory and dreams of conquest. In 1670 he is organizing mock battles for keeping the army in good condition. There are two army corps, himself commanding one, the Marshal of Créquy the other. Saint-Maurice writes:

"Yesterday the King was drawn into an ambuscade and made prisoner by the Marquis of Villeroy, then rescued by his own corps, who at once put the enemy to rout. These exercises are extremely fatiguing at midday and in the greatest heat" (it was the month of August of which he writes), "but are marvelously effective for keeping officers and soldiers in training. Never has there been such regularity and discipline and never an army so well ordered. Among other things, the soldiers observe silence for four hours of each day."

After further praise of this kind he diplomatically suggests that if the Duke of Savoy should graciously compliment the French troops he would give great pleasure to the King and to the Minister of War, Monsieur Louvois.

The Court had resumed at St.-Germain its usual amusements. Saint-Maurice writes that the air is full of intrigue and flirtation, and throws some curious light upon the current conception of honor. If ladies fall out with their admirers, he explains, the latter do not hesitate to betray them and even to show their letters to the society of the Court, which habit must have lent a caustic spice to daily conversation. These were days when crossing the Channel to England was described as "a long and perilous voyage." In-

land traveling was slow and difficult as well. Returning from Chambord to Paris on one occasion all the coach horses of the Court perished of the dryness and dust and Their Majesties were obliged to borrow horses for the moment from the nobility. The latter were allowed to buy and sell lucrative posts among themselves like so many trades-people. The Duke of Chaulnes, when he went as Ambassador to Rome, had permission to sell *"la lieutenance générale de Roi,"* which he had bought from the Duke of Mazarin for four hundred thousand francs. To illustrate the inconsistent indifference to rank or title, Saint-Maurice describes the crowd at the baptism of the Dauphin at St.-Germain when Marshal Turenne entered. Finding that they did not make way for him, Turenne grew angry, "pushed every one about for a quarter of an hour, and overturned the meat which was being taken to the Dauphin." Turenne afterward said to Saint-Maurice, who had witnessed the incident, that "the French have no regard for any one"—of which we shall later have further proof.

Our ambassador now reports the star of the Duchesse de la Vallière descending, while that of the Duchesse de Montespan is in the ascendant. In honor of the latter, the King gave a fête of great splendor at Versailles, the invitations being issued in her name. The gardens were brilliantly lighted with great statues and vases of fire, the collations were spread in the *allées,* and no effort was spared to turn the playground of Versailles into a veritable fairyland of flowers, fountains, grottoes, beautiful women, dances, and comedies. But the mismanagement of the crowd was insufferable, and Saint-Maurice complains vehemently in his accounts of the festival. At times there was complete and most unkingly disorder. Ladies and gentlemen were pushed, ambassadors hustled and badly placed. Even the Queen herself was delayed half an hour at the door of the theater. Saint-Maurice writes that the function was in the hands of officers and body-guards who knew only the art of war and were incompetent to control a social affair of such magnitude. The ambassador from Venice sarcastically observed that as they were invited by *"l'Inconnu"* and not by the King, they had no ground for formal complaint of the disrespectful treatment to which they were subjected, whereupon he retired to his coach, there to await the daylight. But every one agreed that the fête was the most superb

that had ever been seen. When, later, the noise of complaint reached the King's ear he was much annoyed and those who had been in charge were severely reprimanded.

Saint-Maurice says little of the King's activity in public works in this volume, in building and studying the welfare of his people; but he writes that His Majesty gambles every day five or six thousand pistoles, "though he almost always wins," and that those who played with him affected kingly airs and scorn of money. But Louis had the strength as well as the weakness of a generous heart. At the death of his sister-in-law, the Duchess of Orleans,* he was overwhelmed with grief.

"His Majesty has been to Saint-Cloud to sprinkle holy water on the body of the late Madame, where he was seen to weep. No King of France ever before performed such a ceremony, not even for father or mother; they never enter the presence of corpses."

It was not her beauty for which Louis loved the Duchess of Orleans, whom Saint-Maurice had thus described in the candor of this private correspondence:

"She is much faded; some of her teeth are missing, and those which remain are very bad; she is losing her figure and commences to resemble her mother."

We now approach the end of this interesting embassy to France, which, though so successful, was to be followed by dire misfortune and the implacable enmity of Louis XIV. In 1673 Saint-Maurice, whose modest fortune was unequal to the enormous expense of his position, obtained his recall and returned to Savoy. He left many regrets in the French Court, where he had acquired general esteem, and the King presented to him a service of silver gilt. On reaching home his own sovereign, Charles Emmanuel II., conferred upon his faithful Minister the supreme distinction of the collar of the order of *"l'Annonciade."* Yet in the end it was his loyalty to the House of Savoy which wrought his downfall.

On the Duke's death he became Chief Councilor to the Duchess Regent, and it was his ministry which later made her son, Victor Amédée II., the most popular of the Princes of Savoy. During all this time Saint-Maurice retained the friendship of Louis XIV.; and as one of the strongest principles of the Court of Versailles was to sustain in foreign

* "Madame," Henrietta of England, sister of Charles II.

courts every possible support for its own policies, Louis recommended succeeding ambassadors to Turin to cultivate the good-will of Saint-Maurice. The latter's own interests were involved in the policies of Louis, but the moment those interests came into conflict with his duty to the Duke of Savoy he did not hesitate to sacrifice them. In 1667 France refused to pay customs at Suse, which constituted a large revenue for Savoy. Saint-Maurice was sent to France to negotiate this affair, but Louis's ministers refused to agree with his arguments, and his mission was a failure. Private misfortunes also assailed the ex-ambassador; one of his sons became involved in intrigue at the Court of Turin, another brought disgrace to the family by a crazy attempt to set fire to the royal palace. But these enemies within were less powerful than those without, and it was, in fact, the King of France who eventually destroyed him, curiously enough through the following incident of the Man with the Iron Mask.*

The fortified town of Casal, fifteen leagues from Turin, was then regarded as the key to Piedmont and of the Spanish possessions of the Milanese, and it was Louis's intention to seize that place and occupy it. It was possessed by the Duke of Mantoue, who, after long negotiations and the receipt of much money from Louis, had ceded Casal to the French. In December, 1678, the Duke's secretary, Count Mattioli, arrived in Paris in order to conclude the necessary ratifications. The occupation of Casal by the French troops was to occur in the following February and every precaution had been taken to expedite the affair and to preserve inviolable secrecy. Troops and munitions of war had been sent to Pignerol, and Catinat, who had charge of the expedition, had been imprisoned in the citadel of Pignerol in order to disarm all suspicion before the moment of the *coup* should arrive. All seemed well, when Count Mattioli failed to appear at the appointed rendezvous, and in a short time the news of France's designs upon Casal, and therefore Piedmont, resounded throughout Europe. Louis, amazed and angry at this exposure, was compelled to abandon the enterprise.

It was not long before the mystery of the sudden check was solved. Count Mattioli on his return from France had stopped for three agreeable days at the Court of Turin and

* Introduction to *Lettres sur la Cour de Louis XIV.*, page 30.

had there betrayed Louis's designs to the Duchess Regent. Alarmed on all sides, the Duchess, fearing either to allow Louis to proceed or to lose his friendship, chose to expose to him the treason of Mattioli. Louis ordered the punishment of Mattioli, who was lured into an ambush in the environs of Turin and imprisoned in the citadel of Pignerol, where the unfortunate man remained for many years and became known to history as the Man with the Iron Mask.*

As the Duchess's only confidant had been her loyal Minister, Saint-Maurice, it became only too evident that it was he who had published the plans of the French King and checkmated the undertaking. The Duchess was powerless to protect him from the unrelenting anger of Louis XIV. and his ruin—caused by nothing whatever but the utmost fidelity to his own sovereign—was the inevitable outcome.

LOUISE MORGAN SILL.

* Funck-Brentano, *Légendes et Archives de la Bastille.* Jean Lemoine, *Lettres sur la Cour de Louis XIV.*

NEW BOOKS REVIEWED

PHILOSOPHICAL ESSAYS. By BERTRAND RUSSELL, M.A., F.R.S. New York: Longmans, Green & Co., 1910.

THIS volume, which, to the lay mind at least, provides the most clean-cut and felling blow which has yet struck pragmatism, cannot be left entirely to the reviewers of technical philosophy; for, whether Mr. Russell would be hurt by the compliment or not, his book has too many of the qualities of pure literature to be shut up in the technical cupboard. It is as impossible to relegate his book to the department of academic philosophy as it is to relegate to that sphere the *Will to Believe,* the *Meaning of Truth,* and *Pragmatism: A New Name for Some Old Ways of Thinking* of his famous adversary. With his simple phraseology, his respect for beautiful English, his short and vital sentence, Mr. Russell would seem to extend, as did Dr. James also, an invitation to the outsider to come into the sacred precincts and take part.

The volume contains seven essays, admirably clear and lucid, full of wit and eloquence, as well as meat for the dialectician of the most technical sort. From this standpoint Dr. Santayana, of Harvard, has already dealt with the essays in *The Journal of Philosophy* for February and March. "It is," he says in his opening essay, "refreshing and on the whole reassuring, after the confused, melodramatic ways of philosophizing to which transcendentalism and pragmatism have accustomed us, to breathe again the crisp air of scholastic common sense. It is good for us to be held down, as the Platonic Socrates would have held us, to saying what we really believe and sticking to what we say."

Mr. Russell's initial essay treats of the "Element of Ethics," and is the longest, the most important essay in the volume for him who desires to learn the basis of faith upon which Mr. Russell founds his philosophy of life. In this essay, so closely reasoned and logically progressive that it takes us back to the early days when we labored over Spinoza's *Ethics,* Mr. Russell shows us again how foolish in practice and false in theory it is to let the actual world dictate our standard of good and evil. As to an ultimate optimism or pessimism, he still maintains that complete suspension of judgment is the rational attitude. But to derive a theory of good and bad from a summing-up of successes and failures or "cash values"—to infer, in fact, any results as to ultimate good and evil from a study of things that exist, or to set our faith wholly in evolutionary ethics and "the survival of the fittest," is to set up a worship of force and to believe that what fights most successfully is most admirable, so that, as he says elsewhere, in the end "ironclads and Maxim guns must be the ultimate arbiters of metaphysical truth." He deals cleverly with the mystical doc-

trine that nothing that exists is evil, that "evil is null, is naught, is silence implying sound," but he does not mention the further mystical development that evil ceases to be evil because it is the soil from which good grows and upon which good nourishes itself—a point of view ably handled by several English poets, Robert Browning in particular.

The second essay in the book, "The Freeman's Worship," is a bit of eloquent, poetic and profoundly felt writing for which it would be difficult to find a parallel in the literature of philosophy, unless one might set beside it certain rhapsodies from *Also Sprach Zarathustra*. The difference, however, is marked; however profound the emotion with which Mr. Russell writes, he never flies into the dim inane. There is in all his utterance something of that "sad courage" with which an ancient poet endowed the English Antigone. Perhaps a taste of this essay may best be given by extracts.

"The worship of Force, to which Carlyle and Nietzsche and the creed of Militarism have accustomed us, is the result of failure to maintain our own ideals against a hostile universe: it is itself a prostrate submission to evil, a sacrifice of our best to Moloch."

"To every man comes, sooner or later, the great renunciation, . . . by death, by illness, by poverty or by the voice of duty, we must learn each one of us that the world was not made for us, and that, however beautiful may be the things we crave, Fate may nevertheless forbid them. It is the part of courage, when misfortune comes, to bear without repining the ruin of our hopes, to turn away our thoughts from vain regrets. This degree of submission to power is not only just and right—it is the very gate of wisdom."

"To take into the inmost shrine of the soul the irresistible forces whose puppets we seem to be—Death and change, the irrevocableness of the past and the powerlessness of man before the blind hurry of the universe from vanity to vanity—to feel these things and know them is to conquer them. This is the reason why the Past has such magical power. The beauty of its motionless and silent pictures is like the enchanted purity of last autumn, when the leaves, though one breath would make them fall, still glow against the sky in golden glory. The Past does not change or strive; like Duncan, after life's fitful fever it sleeps well; what was eager and grasping, what was petty and transitory, has faded away; the things that were beautiful and eternal shine out of it like stars in the night. Its beauty to a soul not worthy of it is unendurable, but to a soul which has conquered Fate it is the key of religion."

"The life of Man, viewed outwardly, is but a small thing in comparison with the forces of Nature. The slave is doomed to worship Time, Fate, and Death, because they are greater than anything he finds in himself and because all his thoughts are of things which they devour. But, great as they are, to think of them greatly, to feel their passionless splendor, is greater still. . . . To abandon the struggle for private happiness, to expel all eagerness of temporary desire, to burn with passion for eternal things—this is emancipation and this is the free man's worship."

It would be unfair to the remainder of the book to quote further from this exquisite essay, which is the most beautiful and eloquent setting forth of the religion of the agnostic we have ever seen.

The four last essays—"Pragmatism," "William James's Conception of

Truth," "The Monistic Theory of Truth," and "On the Nature of Truth and Falsehood"—are directly aimed at the famous new philosophy. Mr. Russell points out how large a part democracy has played in Mr. James's theory.

"There is an impatience of authority, an unwillingness to condemn widespread prejudices, a tendency to decide philosophical questions by putting them to the vote, which contrast curiously with the usual dictatorial tone of philosophical writing. Dr. Schiller at one time set to work to elucidate the question of a future life by taking a poll. William James claims for the pragmatist temper 'the open air and possibilities of nature as against dogma, artificiality, and the pretense of finality in truth.' A thing which simply *is* true, whether you like it or not, is to him as hateful as a Russian autocracy; he feels that he is escaping from a prison made not by stone walls, but by 'hard facts,' when he has humanized truth and made it, like the police force in a democracy, the servant of the people instead of their master. The democratic temper pervades even the religion of the pragmatists; they have the religion they have chosen, and the traditional reverence is changed into satisfaction with their own handiwork. 'The prince of darkness,' James says, 'may be a gentleman, as we are told he is, but whatever the God of earth and heaven is he can surely be no gentleman.' He is rather, we should say, conceived by pragmatists as an elected president, to whom we give a respect which is really a tribute to the wisdom of our own choice."

The free and light-hearted chaff of Dr. James and his theories is amply apologized for in the note to the preface, in which the author says that the great philosopher's death took place during the printing of the book and makes him wish to express, what does not always appear to the uninitiated in controversial writings, "the profound respect and personal esteem which I felt for him."

It would take more space than we have at command to do real justice to the wit and wisdom of this most literary volume of philosophy and this most philosophical contribution to literature.

MEMORIES AND IMPRESSIONS. By FORD MADOX HUEFFER. New York: Harper & Brothers, 1911.

Mr. Ford Madox Hueffer, who is the son of Ford Madox Brown's daughter and Dr. Francis Hueffer, for many years musical critic of the London *Times*, and the nephew by marriage of William Michael Rossetti, gives his volume the subtitle "A Study in Atmospheres." And what an atmosphere of genius, nobility, purity it is! Yes, we say purity advisedly, because it was an atmosphere of high and true aspirations utterly devoid of self-interest. The book opens with a charming dedication to Mr. Hueffer's own two daughters and then plunges at once into the memories of his early childhood and a description of the house, which was described by Thackeray as Colonel Newcomb's, in which this same fortunate Ford Madox Hueffer first saw the light of day. His childhood was closely surrounded by such figures as Swinburne, the two Rossettis, Burne-Jones, William Morris, George Meredith, the Abbé Liszt, James Thomson, Joaquin Miller, Phillip Bourke Marston, Joachim, etc.

Of the pre-Raphaelites themselves he says very truly: "They were, to

a man, rather burly, passionate creatures, extraordinarily enthusiastic, extraordinarily romantic, and most impressively quarrelsome." "They liked to swear," he records of them, "and, what is more, they liked to hear each other swear." Their note was in no wise ascetic. "They desired, in fact, all of them, room to expand, and when they could not expand in any other directions they expanded in their letters."

These letters, from which extracts are given, are simply delightful in their naïveté, their lack of restraint and calculation. P——, for example, is supposed to have reported that Swinburne accused Rossetti of —— To this Swinburne instantly responds that if P—— says that, P—— lies." Ford Madox Brown then writes to P—— to say how, when, and why the accusation was made, and explains how he went round to Burne-Jones's and found that Jones had eaten practically nothing for the last fortnight, and how between them they decided that the best thing they could do would be to go and tell Rossetti all about it, which resulted in a painful interview between Rossetti and Swinburne. P—— then replies that he never uttered any such words upon any such occasion, because on that very occasion he was not present, having gone round to sit with Ruskin, who had an awful toothache and who read aloud one hundred and twenty pages of *Stones of Venice*. Moreover, he could not have said any such thing about Gabriel (Rossetti), since he knew nothing whatever of Gabriel's daily habits, having refused to speak to him for the last nine months because of Gabriel's intolerable habit of backbiting, which was sure to lead them all to destruction. At this point Rossetti himself joins in the fray and explains that, after all, it was not P—— who made the accusation, and that it was not made against him, but against O. X. the Academician. But, however, if P—— accuses him of backbiting, P—— is a liar, because he, Gabriel, had said nothing but a few casual words against P——'s wife's mother, who was "a damned old cat." And so the correspondence thrives until, six months later, every one withdraws all charges, and they meet at dinner at Madox Brown's, Rossetti bringing with him Plint, the picture-dealer, intending to make him buy P——'s picture of the "Lost Shepherd" for two thousand pounds. Undoubtedly they were all devoted to one another and to Art—with a capital A—and to one another's art. With the same frenzy with which in private life they called one another sneaks, muffs, and even thieves did they proclaim one another to the picture-dealers as incomparable geniuses, and so, says Mr. Hueffer, "bickering like swashbucklers or like school-boys about wine, women, and song, they pushed onward to prosperity and to fame."

The book, so crowded with these delightful figures, is a mine of fun and laughter and enjoyment, but perhaps only he whose youth was spent in England, and whose memory reaches back to the early eighties, and remembers how large these great names loomed then can fully enjoy the flavor of the volume. How touching and how thoroughly in character is the anecdote of how Meredith left the house in Cheyne Walk where he, Swinburne, and the two Rossettis attempted some sort of communal living. Each was to pay one-fourth the rent, but Meredith, being at the time in dire poverty, was to take his meals outside and make no contribution toward living expenses. His comrades, fearing that he did not get enough to eat, sent up small breakfast dishes and attempted to contribute to his comfort. Finally, the end came when the benevolent poets sub-

stituted for a pair of very cracked old boots, which were put outside the door to be cleaned, a new pair of exactly the same size and make. George Meredith put on the shoes, went out, forwarded a check for a quarter's rent, and never came back again.

But it would be impossible to tell again all the delightful anecdotes of these great-hearted men and noble artists. Mr. Hueffer's is the most entertaining of all the recent books on the pre-Raphaelites. Nothing could exceed the nobility and charm of Lady Burne-Jones's memoir of her husband or the value of Holman Hunt's autobiography, but Mr. Hueffer's book brings in the whole great party of geniuses, and we see them as they played and worked with one another.

We should like immensely to know the name of comrade P——, who tried so heroically and persistently to persuade the world that clothes were unnecessary; and we are glad, at last, to come across a real account of the tragic death of James Thomson, a matter that has been so long and unnecessarily hushed up.

The book is simply delightful from end to end. We wonder if Mr. Hueffer's mention of the little cotton-manufacturing town called "Falls [*sic*] River, New Jersey," and his memory of a dreadful sign that met him at every turn in America, "Drink Boxie," are slips or affectations or jests. But details matter little; he has lifted us for the time being out of this driving, commercial atmosphere into that of youth and genius and high hope.

The Teachers of Emerson. By John S. Harrison, Ph.D., Assistant Professor of English in Kenyon College. New York: Sturgis & Walton Company, 1910.

Emerson is still a local divinity, a New England god of the hills whose power and renown have not yet fully penetrated, so to speak, to the plains. Outside of New England by those who know him best he is still instinctively thought of as belonging to a particular section, to a particular group, a special cult. Unconsciously so to feel and think, however, is to take nothing from his genius nor from his influence, whether present or potential; it is simply to recognize the fact that the lovers and readers of Emerson are chiefly among those who, by intellectual or actual inheritance, belong to his part of the country and have been born, as it were, to the transcendental tradition. For minds are not instinctively Emersonian, as they may be said to be instinctively either Platonist or Aristotelian; and our philosopher-poet or poet-philosopher appeals but to a certain kind and quality of mind, and, while his followers may be choice spirits, they will, in the nature of things, never be many. Ultimately, indeed, Emerson's fame may come to center more strongly in his verse than in his prose, since his verse is the more individual and distinctive; for, to quote Aristotle, "Poetry comes nearer to vital truth than does history," or even than does philosophy, and for this simple reason, that history shows what man does, philosophy what he thinks or tries to think, while poetry that is worth the name shows what man *is*.

This book of Professor Harrison's is deeply interesting and suggestive and reveals an exhaustive study of Emerson's writings. Thread by thread the mental fabric is unraveled and the various strands are shown to have their different and significant attachments to the loom of past thought.

Yet thought is a living and continuous process, and no mechanical figure will ever adequately express it. Curious how the torch of thought can be handed across long ages from one mind to another; more curious still that Plotinus, the mystic of the third century, should have found so rare and competent an interpreter on the shores of the New World in the first half of the nineteenth century and in the person of a descendant of Protestant ministers. It is a dramatic moment and situation when minds find themselves allied and affined, and when the flower of thought blooms again, a new variety of an old family. Emerson's Neo-Platonism and his indebtedness to the Alexandrian school of Greek philosophy are clearly brought out. But what he absorbed and assimilated from the Neo-Platonists, Plotinus at their head and Cudworth as an aid, he made peculiarly his own and gave it forth in a new, fine, and highly individual form. He did, indeed, admirably interpret, but he also re-created and refashioned. Neo-Platonist Emerson approximately was, but as a Platonist the case is not so clearly proven. Temperamentally and mentally Emerson is not Socratic. He is not incredulous enough, skeptical and ironical enough; he does not hold judgment sufficiently in suspense; he is not humane, dramatic, creative enough to be one of Plato's true disciples. Plato suggests, but never really concludes; he sets all the genii of thought free, but never tries to conjure them into any coffer of judgment. Emerson discarded certain beliefs and forms of thought, but he never laid aside their manner and was always unconsciously possessed by their *vis inertia*. He ceased to be a Unitarian minister, but he never ceased to preach. He always insists that we shall hear the conclusion of the whole matter, and he never fails to conclude with a moral. Indeed, Emerson can no more be taken without his moral than he can be taken without his shadow. He renounced Christianity, but not its zeal; he renounced authority, yet did not teach as one of the more persuasive scribes. Emerson's genius shows brightest and best if one does not take him for a philosopher, but takes him for what he really was—a poet and an intellectual mystic. For here is the vast difference between Emerson and Plotinus, that Plotinus was a spiritual mystic and Emerson an intellectual one. Emerson does not owe more to Plotinus than Plotinus owes to the Gnostics, but Emerson falls short just here of his master. The "Over-soul," with its rarefactions and tenuity, proves almost incomprehensible to the average man; to Plotinus and the Neo-Platonists it would have seemed "foolishness." Those acute Greek minds, touched by but not converted to Christian thought, would have made short and sharp work of Emerson's claims to philosophy. One of the truest things that was ever said of Emerson was said by Henry James the Elder, that Emerson "had no sense of sin." But to have "no sense of sin" is to be inadequately furnished forth for this world's uses. It precludes the deepest sympathy, the keenest vision, the highest intellectual and spiritual reach. After all is said and done there is a curious naïveté in Emerson's thinking, a thinness in his philosophy, that makes one pause. It is not full-blooded enough for human uses, and without a body there seems to be no accompanying soul. Plato was profoundly interested in all mental processes, it is true, but he was a great creative and literary artist as well. The *Dialogues* are immortal quite as much because of the life they embody as because of the thought they convey. Emerson has a touch of genius and of the dialectic imagination, but he has nothing of the creative im-

agination of Plato nor of the mystical imagination of Plotinus. In its care, thought, and suggestion Mr. Harrison's book is a distinct addition to Emersonian literature and a distinct aid to those who would fain understand Emerson's range and depth as well as his limitations. The book is also furnished with a convenient bibliography and a good index.

Essays on Russian Novelists. By William Lyon Phelps. New York: The Macmillan Company, 1911.

This volume on the Russian novelists proves to us how very difficult it would be to have in any near future a school of American criticism. Mr. Howells, in a recent "Easy Chair," names one critic in this land whom he is willing to place on the same level with the French masters of criticism and Georg Brandes, and another whom he thinks is hardly less great. After these two, and politely or not, in front of two women critics he places Mr. Phelps of Yale. As one reads Mr. Phelps's verdicts upon the Russian novelists one sees over again a certain dinner-table full of celebrities in London, where the venerable William de Morgan occupied a seat of honor, and, turning to the American lady at his side, said: "Are you acquainted with Mr. Phelps of America? He thinks very highly of my work."

In the present volume Mr. Phelps of America has dealt with nine Russian novelists; he offers us a very good chapter on the "Russian National Character" and an invaluable list, chronologically arranged, of the publications of the nine novelists analyzed. These are: Gogol, Turgenev, Dostoevski, Tolstoi, Gorki, Chekhov, Artsybashev, Andreev, and Kuprin.

Of these essays—and all of them are, we suppose, premeditatedly slight—the best one and the most understanding is that of Turgenev. Turgenev was a polite and restrained writer as well as a very great artist. Despite Henry James's frank confession that his own style was too *tarabiscoté*, too much dressed up with little flowers and knots of ribbon to suit Turgenev, yet it is not at all fanciful to see a certain undercurrent of resemblance in the complexity, restraint, self-suppression, and elegance of these two authors. It is Mr. James himself who points out to us in an early essay that American readers of Turgenev are often struck with points of resemblance between American and Russian life; the young girls of Turgenev have "a touch of the faintly acrid perfume of the New England temperament—a hint of Puritan angularity." It is this very likeness between American prejudice and this particular Russian's practice which makes Mr. Phelps's essay on the great writer the only really sympathetic chapter in the book.

Mr. Phelps himself mentions the difficulty that Americans have in escaping provincial prejudices, and yet nothing could exceed in prejudice and provincialism the heartless way in which Mr. Phelps repeats in one chapter the unfortunate story of the collapse of Gorki's mission to our land—a story, by-the-by, that reflects so little credit upon the candor and honesty of our civilization that we wonder any American should want to repeat it at all.

Again the essay on Tolstoi is totally unsympathetic and would entirely mislead one as to the force, ability, power, and character of the man and the writer. "Tolstoi," remarks Mr. Phelps, "of all the great Russian

writers was the most unlovely." With such a statement as this before him there seems to be nothing for a reviewer to do but say that it would be very difficult to find any utterance more completely beside the mark. "Throughout this book *(Kreutzer Sonata)*, as in all Tolstoi's work, is the eternal question *why*," continues the essayist. As a matter of fact, in the first autobiographical book of Tolstoi, in which he asks the great question *why* of life and its significance, he also tells us that he has found the answer. Life is explained when each man realizes himself as a part of an infinite whole. Again, and decidedly at the expense of the great writer, Mr. Phelps says of the Countess Tolstoi: "She became an ideal wife and shared in all his work, copying in her own hand his manuscripts again and again. In all her relations with the difficult temperament of her husband she exhibited the utmost devotion and that uncommon quality which we call common sense."

It is difficult to judge between a husband and wife, and no one would be bold enough to suggest that a genius moves easily in the marital bonds; when one adds to genius an ascetic temperament, totally unworldly ideas, and an attempt to adjust life to a literal interpretation of Christian teaching, one trebles the difficulties. Whoever has read the whole voluminous life and letters realizes that Countess Tolstoi was a kind, worldly, well-meaning woman, who adored her husband and had no patience with his ideals. She thwarted him at every turn, even going so far as to threaten to call in the law against him in one instance. She had, indeed, common sense—*i. e.*, the perceptions of average man, but why common sense is more commendable than a common mind or common manners we fail to see.

The essay on Dostoevski shows effort on the writer's part to do justice to a type of literature with which he is totally unsympathetic, and the essays on Kuprin, Chekhov, Artsybashev are valuable as practically introducing these writers to American readers.

As a whole, the criticism is at once arbitrary and conventional. The standards of judgment are those of the average man in the street, and yet they are used in a wilful manner, quite as if the professional critic were justified in setting up and holding to such standards. The book is printed on shockingly cheap, bad paper.

Learning and Other Essays. By John Jay Chapman. New York: Moffat, Yard & Co., 1910.

Those who remember Mr. Chapman's fine essay on "Learning" which appeared in the *Atlantic Monthly* about a year ago will now be glad to have it and others in book form, for this essay is one of those *multum in parvo* writings that help to keep alive the tradition, history, and actuality of scholarship and culture. Of course the value of this or of any essay depends upon the quality of the "experiencing mind" to which it appeals, but surely all who care for Life on its most powerful and lasting side—the side of ideas and ideals—must rejoice in those who have vision enough to perceive the truth and courage enough lovingly to set it forth, for, to make the task doubly difficult, there are many nowadays who feed themselves and us on crass flatteries. Instead of holding the mirror up to our average American life, showing us the true picture and enabling us to improve, these good folk tickle their itching ears and ours with high-

swelling words and misleading adjectives. It is not our pinchbeck politicians only who keep assuring us that we are great and mighty and all-sufficient, and can be and ought to be a model and law unto ourselves. To hear some of them talk, one would suppose that there is no such thing as cause and consequence, and that history had never been written for our edification and warning. What these partly informed and unthinking people promote is, not a desire for improvement, but a national self-satisfaction that is most dangerous; for self-satisfaction, whether in individuals or in nations, is the last and worst estate of the lost. To be self-satisfied is to preclude the possibility of mental and spiritual motion or advance, and this is to be practically dead. The American is naturally idealistic, and given half a chance he will make good his birthright and will do valiantly and well. He instinctively does desire the best, and would fain achieve it, but his counselors and leaders are not always wise. In our vaunted material greatness, with its accompanying commercialization of every department of life, lies our present-day danger. Seek ye first material advantage and success, and all other things will be added unto you, is the virtual advice that one hears far too often; so that even education, which means spiritual as well as mental development, is coming to be judged by this same rule-of-thumb notion of mere worldly success. And yet writ large over individual life and history is the searching and eternal question, "What shall it profit a man if he shall gain the whole world and lose his own soul?" It is this menace to mental and spiritual values that has aroused many of the best and most capable among us, and is leading them to utter wholesome and timely words of warning. Our material life is becoming ever more and more complex, its interrelations are becoming more and more delicate, intricate, and less easily adjustable. Only the finest and most comprehensive mental and spiritual development, therefore, can face some of our immediate problems and rightly master them. At this juncture, then, to minimize mind and spirit, and to overemphasize the material is to invite failure. So to do means that there will inevitably come a day, and that not far distant, when mind and spirit would find themeselves inadequate to the needs of even material living. Such days have been in the history of the race, when both men and nations were weighed in the balances and found wanting. To invert values, to mistake the less for the greater, is to court irretrievable disaster, and Mr. Chapman does well to put his finger, as do others, on the mental and spiritual inadequacy which is displayed in certain educational quarters.

The other noticeable essays in the volume are the one on "The Drama," on "Dr. Howe"—a loving tribute—and "The Influence of Schools," which is perhaps as significant as any. Not what a man is actually and quantitatively taught, but what he is induced to *learn*, the intellectual interest with which he is inspired, are the better parts of education; not what he actually achieves, but what he aspires to, places the man; not actual information so much as a quality and condition of mind that is more or less accessible to all knowledge is what makes a man valuable to himself and others.

Le moi qui fait, qui pense, qui est, is forever more than a mere trader. To begin life with a dominant idea of effort to be put forth for value received is to spike one's guns before going into battle, is to go into life *hampered* and in a condition that precludes any lasting and real joy or high achievement. Mr. Chapman stands for this somewhat neglected truth.

"UNDER WESTERN EYES"*

BY JOSEPH CONRAD

CHAPTER XIII—*(Continued)*

This much said, there is no need to tell anything more of that first interview and of the several others. To the morality of a Western reader an account of these meetings would wear, perhaps, the sinister character of old legendary tales where the enemy of mankind is represented holding subtly mendacious dialogues with some tempted soul. It is not my part to protest. Let me but remark that the Evil One, with his single passion of satanic pride for the only motive, is yet, on a larger, modern view, allowed to be not quite so black as he used to be painted. With what greater latitude, then, should we appraise the exact shade of mere mortal man, with his many passions and his miserable ingenuity in error, always dazzled by the base glitter of mixed motives everlastingly betrayed by a short-sighted wisdom?

Councilor Mikulin was one of these powerful officials who, in a position not obscure, not occult, but simple, inconspicuous, exercise a great influence over the methods rather than over the conduct of affairs. A devotion to Church and Throne is not in itself a criminal sentiment; to prefer the will of one to the will of many does not argue the possession of a black heart or prove congenital idiocy. Councilor Mikulin was not only a clever, but also a subtle, official. Privately he was a bachelor, with a love of comfort, living alone in an apartment of five rooms luxuriously furnished, and was known by his intimates to be an enlightened patron of the art of female dancing. Later on the larger world first heard of him in the very hour of his downfall during one of these State trials which astonish and puzzle the average plain man who reads the newspapers by a glimpse of unsuspected intrigues. And in the stir of vaguely seen monstrosities, in that momentary, mysterious disturbance of muddy waters, Councilor Mikulin went under, dignified, with only a calm, emphatic protest of his innocence—nothing more. No disclosure damaging to a harassed autocracy, complete fidelity to the secrets of the miserable Arcana Imperii deposited in his patriotic breast, a display of bureaucratic stoicism in a Russian official's ineradicable, almost sublime contempt for truth; stoicism of silence understood only by the very few of the initiated, and not without a certain cynical grandeur of self-sacrifice on the part of a sybarite. For the terribly heavy sentence turned Councilor Mikulin civilly into a corpse and actually into something very much like a common convict.

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It seems that the savage autocracy, any more than the divine democracy, does not limit its diet exclusively to the bodies of its enemies. The downfall of His Excellency Gregory Gregorievitch Mikulin (which did not occur till some years later) completes all that is known of the man. But at the time of Mr. de P——'s murder (or execution) Councilor Mikulin, under the modest style of head of department at the General Secretariat, exercised a wide influence as the confidant and right-hand man of his former schoolfellow and lifelong friend General T——. One can imagine them talking over the case of Mr. Razumov with the full sense of their unbounded power over all the lives in Russia, with cursory disdain, like two Olympians glancing at a worm. The relationship with Prince K—— was enough to save Razumov from some carelessly arbitrary proceedings; and it is also very probable that after the interview at the Secretariat he would have been left alone. Councilor Mikulin would not have forgotten him (he forgot no one who ever fell under his observation), but would have simply dropped him forever. Councilor Mikulin was a good-natured man, and wished no harm to any one, besides (with his own reforming tendencies) being favorably impressed by that young student, the son of Prince K——, and apparently no fool.

But as Fate would have it, while Mr. Razumov was finding that no way of life was possible to him, Councilor Mikulin's discreet abilities were rewarded by a very responsible post—nothing less than the direction of the general police supervision over Europe. And it was then and then only, when taking in hand the perfecting of the service which watches the revolutionist activities abroad, that he thought again of Mr. Razumov. He saw great possibilities of special usefulness in that uncommon young man, on whom he had a hold already, with his peculiar temperament, his unsettled mind and shaken conscience, and struggling in the toils of a false position. . . . It was as if the revolutionists themselves had put in his hand that tool so much finer than the common, base instruments, so perfectly fitted, if only invested with sufficient credit, to penetrate into places inaccessible to common informers. Providential. Providential. And Prince K——, taken into the secret, was ready enough to adopt that mystical view, too. "It will be necessary, though, to make a career for him afterward," he had stipulated, anxiously. "Oh, absolutely! We shall make that our affair," Mikulin had agreed. Prince K——'s mysticism was of an artless kind, but Councilor Mikulin was astute enough for two.

Things and men have always a certain sense, a certain side, by which they must be got hold of if one wants to obtain a solid grasp and a perfect command. The power of Councilor Mikulin consisted in the ability to seize upon that sense, that side, in the men he used. It did not matter to him what it was—vanity, despair, love, hate, greed, intelligent pride, or stupid conceit—it was all one to him as long as the man could be made to serve. The obscure, unrelated young student, Razumov, in the moment of great moral loneliness, was allowed to feel that he was an object of interest to a small group of people of high position. Prince K—— was persuaded to intervene personally; and on a certain occasion gave way to a manly emotion which, all unexpected as it was, quite upset Mr. Razumov. The sudden embrace of that man, agitated by his loyalty to a throne and by suppressed paternal affection, was a revelation to Mr. Razumov of something within his own breast.

"So that was it!" he exclaimed to himself. A sort of contemptuous tenderness softened the young man's grim view of his position as he reflected upon that agitated interview with Prince K——. This simple-minded, worldly ex-guardsman and senator, whose soft gray official whiskers had brushed against his cheek, his aristocratic and convinced father, was he a whit less estimable or more absurd than that famine-stricken, fanatical revolutionist, the red-nosed student?

And there was some pressure, too—besides the persuasiveness. Mr. Razumov was always being made to feel that he had committed himself. There was no getting away from that feeling, from that soft, unanswerable "Where to?" of Councilor Mikulin. But no susceptibilities were ever hurt. It was to be a dangerous mission to Geneva for obtaining, at a critical moment, absolutely reliable information from a very inaccessible quarter of the inner revolutionary circle. There were indications that a very serious plot was being matured. . . . The repose indispensable to a great country was at stake. . . . A great scheme of orderly reforms would be endangered. . . . The highest personages in the land were patriotically uneasy, and so on. In short, Councilor Mikulin knew what to say. His skill is to be inferred clearly from the mental and psychological self-confession, self-analysis of Mr. Razumov's written journal—the pitiful resource of a young man who had near him no trusted intimacy, no natural affection to turn to.

How all this preliminary work was concealed from observation need not be recorded. The expedient of the oculist gives a sufficient instance. Councilor Mikulin was resourceful, and the task was not very difficult. Any fellow-student, even the red-nosed one, was perfectly welcome to see Mr. Razumov entering a private house to consult an oculist. Ultimate success depended solely on the revolutionary self-delusion which credited Razumov with a mysterious complicity in the Haldin affair. To be compromised in it was credit enough—and it was their own doing. It was precisely *that* which stamped Mr. Razumov as a providential man, wide as the poles apart from the usual type of agent for "European supervision."

And it was *that* which the Secretariat set itself the task to foster by a course of calculated and false indiscretions.

It came at last to this that one evening Mr. Razumov was unexpectedly called upon by one of the "thinking" students whom formerly before the Haldin affair he used to meet at various private gatherings: a big fellow with a quiet, unassuming manner and a pleasant voice.

Recognizing his voice raised in the anteroom, "May one come in," Razumov, lounging idly on his couch, jumped up. "Suppose he were coming to stab me?" he thought, sardonically; and assuming a green shade over his left eye said, in a severe tone, "Come in."

The other was embarrassed; hoped he was not intruding.

"You haven't been seen for several days and I've wondered." He coughed a little. "Eye better?"

"Nearly well now."

"Good. I won't stop a minute; but, you see, I—that is, we . . . anyway, I have undertaken the duty to warn you, Kirylo Sidorovitch, that you are living in false security, maybe."

Razumov sat still, with his head leaning on his hand which nearly concealed the unshaded eye.

"I have that idea, too."

"That's all right, then. Everything seems quiet now, but those people are preparing some move of general repression. That's of course. But it isn't that I came to tell you." He hitched his chair closer, dropped his voice. "You will be arrested before long—we fear."

An obscure scribe in the Secretariat had overheard a few words of a certain conversation and had caught a glimpse of a certain report. This intelligence was not to be neglected.

Razumov laughed a little and his visitor became very anxious.

"Ah, Kirylo Sidorovitch, this is no laughing matter. They have left you alone for a while, but . . . Indeed, you had better try to leave the country, Kirylo Sidorovitch, while there's yet time."

Razumov jumped up and began to thank him for the advice with mocking effusiveness so that the other, coloring up, took himself off, with the notion that this mysterious Razumov was not a person to be warned or advised by inferior mortals.

Councilor Mikulin, informed the next day of the incident, expressed his satisfaction. "H'm! Ha! Exactly what was wanted to . . ." and glanced down his beard.

"I conclude," said Razumov, "that the moment has come for me to start on my mission."

"The psychological moment," Councilor Mikulin insisted, softly—very grave—as if awed.

All the arrangements to give verisimilitude to the appearance of a difficult escape were made. Councilor Mikulin did not expect to see Mr. Razumov again before his departure. These meetings were a risk, and there was nothing more to settle.

"We have said everything to each other by now, Kirylo Sidorovitch," said the high official, feelingly, pressing Razumov's hand with that unreserved heartiness a Russian can convey in his manner. "There is nothing obscure between us. And I will tell you what! I consider myself fortunate in having—h'm—your . . ."

He glanced down his beard; and, after a moment of grave silence, he handed to Razumov a half-sheet of note-paper—an abbreviated note of matters already discussed, certain points of inquiry, the line of conduct agreed on, a few hints as to personalities, and so on. It was the only compromising document in the case, but, as Councilor Mikulin observed, it could be easily destroyed. Mr. Razumov had better not see any one now—till on the other side of the frontier, when, of course, it will be just that . . . see and hear and . . .

He glanced down his beard; but when Razumov declared his intention to see one person at least, Councilor Mikulin failed to conceal a sudden uneasiness. The young man's studious, solitary, and austere existence was well known to him. It was the greatest guarantee of fitness. He became deprecatory. Had his dear Kirylo Sidorovitch considered whether, in view of such a momentous enterprise, it wasn't really advisable to sacrifice every sentiment . . .

Razumov interrupted the remonstrance scornfully. It was not a young woman; it was a young fool he wished to see for a certain purpose. Councilor Mikulin was relieved, but surprised.

"Ah! And what for—precisely?"

"For the sake of improving the aspect of verisimilitude," said Razumov, curtly, in a desire to affirm his independence. "I must be trusted in what I do."

Councilor Mikulin gave way tactfully, murmuring: "Oh, certainly, certainly. Your judgment . . ."

And with another handshake they parted.

The fool of whom Mr. Razumov had thought was the rich and festive student known as "Madcap Kostia." Feather-headed, loquacious, excitable, one could make certain of his utter and complete indiscretion. But that riotous youth, when reminded by Razumov of his offers of service some time ago, passed from his usual elation into boundless dismay.

"Oh, Kirylo Sidorovitch, my dearest friend — my savior — what shall I do? I've blown last night every ruble I had from my dad the other day. Can't you give me till Thursday? I shall rush round to all the usurers I know. . . . No, of course you can't! Don't look at me like that. What shall I do? No use asking the old man. I tell you he's given me a fistful of big notes three days ago. Miserable wretch that I am!"

He wrung his hands in despair. Impossible to confide in the old man. "They" had given him a decoration, a cross on the neck, only last year, and he had been cursing the modern tendencies ever since. Just then he would see all the intellectuals in Russia hanged in a row rather than part with a single ruble.

"Kirylo Sidorovitch, wait a moment. Don't despise me. I have it. I'll—yes, I'll do it—I'll break into his desk. There's no help for it. I know the drawer where he keeps his plunder, and I can buy a chisel on my way home. He will be terribly upset; but, you know, the dear old duffer really loves me. He'll have to get over it—and I, too. Kirylo, my dear soul, if you can only wait for a few hours—till this evening—I shall steal all the blessed lot I can lay my hands on! You doubt me! Why? You've only to say the word."

"Steal, by all means," said Razumov, fixing him stonily.

"To the devil with the Ten Commandments!" cried the other, with the greatest animation. "It's the new future now."

But when he entered Razumov's room late in the evening it was with an unaccustomed soberness of manner, almost solemnly.

"It's done," he said.

Razumov, sitting bowed, his clasped hands hanging between his knees, shuddered at the familiar sound of these words. Kostia deposited slowly in the circle of lamplight a small, brown, paper parcel tied with a piece of string.

"As I've said—all I could lay my hands on. The old boy 'll think the end of the world has come."

Razumov nodded from the couch, and contemplated the harebrained fellow's gravity with a feeling of malicious pleasure.

"I've made my little sacrifice," sighed mad Kostia. "And I've to thank you, Kirylo Sidorovitch, for the opportunity."

"It has cost you something?"

"Yes, it has. You see, the dear old duffer really loves me. He'll be hurt."

"And you believe all they tell you of the new future and the sacred will of the people?"

"Implicitly. I would give my life. . . . Only, you see, I am like a pig at the trough. I am no good. It's my nature."

Razumov, lost in thought, had forgotten his existence till the youth's voice, urgently entreating him to fly without loss of time, roused him unpleasantly.

"All right. Well—good-by."

"I am not going to leave you till I've seen you out of Petersburg," declared Kostia, unexpectedly, with calm determination. "You can't refuse me that now. For God's sake, Kirylo, my soul, they may be here any moment, and when they get you they'll immure you somewhere for ages—till your hair turns gray. I have down there the best trotter of dad's stables and a light sledge. We shall do thirty miles before the moon sets and find some roadside station. . . ."

Razumov looked up amazed. The journey was decided—unavoidable. He had fixed the next day for his departure—on the mission. And now he discovered suddenly that he had not believed in all this at all. He had gone about listening, speaking, thinking, planning his simulated flight, with the growing conviction that all this was preposterous. As if anybody ever did such things! It was like a game of make-believe. And now he was amazed! Here was somebody who believed in it with desperate earnestness. "If I don't go now at once," thought Razumov, with a start of fear, "I shall never go." He rose without a word, and the anxious Kostia thrust his cap on him, helped him into his cloak, or else he would have left the room bareheaded as he stood. He was walking out silently when a sharp cry arrested him.

"Kirylo!"

"What?" He turned reluctantly in the doorway. Upright, with a stiffly extended arm, Kostia, his face set and white, was pointing an eloquent forefinger at the brown little packet lying forgotten in the circle of bright light on the table. Razumov hesitated, came back for it, under the severe eyes of his companion at whom he tried to smile. But the boyish, mad youth was frowning. "It's a dream," thought Razumov, putting the little parcel into his pocket and descending the stairs. "Nobody does such things." The other held him under the arm, whispering of dangers ahead and of what he meant to do in certain contingencies. "Preposterous!" murmured Razumov to himself as he was being tucked up in the sledge. He gave himself up to watching the development of the dream with extreme attention. It continued on foreseen lines inexorably logical: the long drive, the wait at the small station sitting by a stove. They did not exchange half a dozen words altogether. Kostia, gloomy himself, did not care to break the silence. At parting they embraced twice. It had to be done—and then Kostia vanished out of the dream.

When dawn broke Razumov, very still in a hot, stuffy railway car full of bedding and of sleeping people in all its dimly lighted length, rose quietly, lowered the glass a few inches, and flung out on the great plain of snow a small brown-paper parcel. Then he sat down again, muffled up and motionless. "For the people," he thought, staring out of the window. The great white desert of frozen hard earth glided past his eyes without a sign of life.

That had been a waking act; and then the dream had him again: Prussia, Saxony, Würtemberg, faces, sights, words—all a dream observed with an

angry, compelled attention. Zurich, Geneva—still a dream minutely followed, wearing one into harsh laughter, to fury, to death—with the fear of awakening at the end.

CHAPTER XIV

"PERHAPS life is just that," reflected Razumov, pacing to and fro under the trees of the little island, all alone with the bronze statue of Rousseau. "A dream and a fear." The dusk deepened. The pages written over and torn out of his note-book were the first fruit of his "mission." No dream, that. They contained the assurance that he was on the eve of real discoveries. "I think there is no longer anything in the way of my being completely accepted."

He had resumed his impressions in those pages of some of the conversations. He even went so far as to write: "By the by, I have discovered the personality of that terrible N. N. A horrible paunchy brute. If I hear anything of his future movements I shall send a warning."

The futility of all this overcame him like a curse. Even then he could not believe in the reality of his "mission." He looked round despairingly, as if for some way to redeem his existence from that unconquerable feeling. He crushed angrily in his hand the pages of the note-book. "This must be posted," he thought.

He gained the bridge and returned to the north shore, where he remembered having seen in one of the narrower streets a little obscure shop stocked with cheap wood-carvings, its walls lined with extremely dirty cardboard-bound volumes of a small circulating library. They sold stationery there, too. A morose, shabby old man dozed behind the counter. A thin woman in black, with a sickly face, produced the envelope he had asked for without even looking at him. Razumov thought that these people were safe to deal with because they no longer cared for anything in the world. He addressed the envelope on the counter with the German name of a certain person living in Vienna. But Razumov knew that his first communication for Councilor Mikulin would find its way to the embassy there, be copied in cipher by somebody trustworthy, and sent on to its destination all safe along with the diplomatic correspondence. That was the arrangement contrived to cover up the track of the information from all unfaithful eyes, from all indiscretions, from all mishaps and treacheries. It was to make him safe—absolutely safe.

He wandered out of the wretched shop and made for the post-office. It was then that I saw him for the second time that day. He was crossing the Rue Mont Blanc with every appearance of a rather aimless stroller. He did not recognize me, but I made him out at some distance. He was very good-looking, I thought, this remarkable friend of Miss Haldin's brother. I watched him go up to the letter-box and then retrace his steps. Again he passed me very close, but I am certain he did not see me that time, either. He carried his head well up, but he had the expression of a somnambulist struggling with the very dream which drives him forth to wander in dangerous places. My thought reverted to Natalia Haldin, to her mother. To them he seemed to be all that was left of their son and brother.

The Westerner in me was discomposed. There was something shocking in the expression on that face. Had I been myself a conspirator, a Russian

political refugee, I could have, perhaps, been able to draw some practical conclusion from this chance glimpse. As it was, it only discomposed me strongly, even to the extent of awakening an indefinite apprehension in regard to Natalia Haldin. All this is rather inexplicable—but such was the origin of the purpose I formed there and then to call on these ladies in the evening after my solitary dinner. It was true that I had met Miss Haldin only a few hours before, but Mrs. Haldin herself I had not seen for some considerable time. The truth is I had shirked calling of late.

Poor Mrs. Haldin! I confess she frightened me a little. She was one of those natures, rare enough, luckily, in which one cannot help being interested, because they provoke at once both terror and pity. One dreads their contact for one's self, and still more for those one cares for, so clear it is that they are born to suffer and to make others suffer, too. It is strange to think that, I won't say liberty, but the mere liberalism of outlook which for us is a matter of words, of ambitions, of votes (and if of feeling at all, then of the sort of feeling which leaves our deepest affections untouched), may be for other beings very much like ourselves and living under the same sky a heavy trial of fortitude, a matter of tears and anguish and blood. Mrs. Haldin had felt the pangs of her own generation. There was that enthusiast brother of hers—the officer they shot under Nicholas. A faintly ironic resignation is no armor for a vulnerable heart. Mrs. Haldin, struck at through her children, was bound to suffer afresh from the past and to feel the anguish of the future. She was of those who do not know how to heal themselves; of those who are too much aware of their hearts; who neither cowardly nor selfish look passionately at its wounds—and count the cost.

Such thoughts as these seasoned my modest, lonely bachelor's meal. If anybody wishes to remark that this was a roundabout way of thinking of Natalia Haldin, I can only retort that she was well worth some concern. She had all her life before her. Let it be admitted, then, that I was thinking of Natalia Haldin's life in terms of her mother's character, a manner of thinking of a girl permissible for an old man, not too old yet to have become a stranger to pity. There was almost all her youth before her; a youth robbed arbitrarily of its natural lightness and joy, overshadowed by an un-European despotism; a terribly somber youth given over to the hazards of a furious strife between equally ferocious antagonisms.

I lingered over my thoughts more than I should have done. One felt so helpless, and even worse—so unrelated, in a way. At the last moment I hesitated as to going there at all. What was the good?

All this made me late; and the evening was already advanced when, turning into the Boulevard des Philosophes, I saw the light in the window at the corner. The blind was down, but I could imagine behind it Mrs. Haldin seated in the chair in her usual attitude as if looking out for some one—which had lately acquired the poignant quality of a mad expectation.

I thought that I was sufficiently authorized by the light to knock at the door. The ladies had not retired as yet; I only hoped they would not have any visitors of their own nationality. A broken-down retired Russian official was to be found there sometimes in the evening. He was infinitely forlorn and wearisome by his mere dismal presence. I think these ladies tolerated his frequent visits because of an ancient friendship with Mr.

Haldin, the father, or something of that sort. I made up my mind that if I found him there I should remain but a few minutes.

The door surprised me by swinging open before I could ring the bell. I was confronted by Miss Haldin in hat and jacket, obviously on the point of going out. At that hour! For the doctor, perhaps?

Her exclamation of welcome reassured me. It sounded as if I had been the very man she wanted to see. My curiosity was awakened. She drew me in, and the faithful Anna, the elderly German maid, closed the outer door, but did not go away afterward. She remained near it, as if in readiness to let me out presently. It appeared that Miss Haldin had been on the point of going out to find me.

She spoke in a hurried manner very unusual with her. She would have gone straight and rung at Mrs. Ziegler's door, late as it was, for Mrs. Ziegler's habits. . . .

Mrs. Ziegler, the widow of a very distinguished professor, who was an intimate friend of mine, lets me have three rooms out of her large and fine apartment which she didn't give up after her husband's death, but I have my own entrance opening on the same landing. It was an arrangement of at least ten years' standing. I said that I was very glad that I had the idea to . . .

Miss Haldin made no motion to take off her outdoor things. I observed her heightened color, something pronouncedly resolute in her tone. Did I know where Mr. Razumov lived?

Where Mr. Razumov lived! Mr. Razumov! At this hour—so urgently! I threw my arms up in sign of utter ignorance. I had not the slightest idea where he lived. If I could have foreseen her question only three hours ago I might have ventured to ask him on the pavement before the new post-office building, and possibly he would have told me; but very possibly, too, he would have dismissed me rudely to mind my own business. And possibly, I thought, remembering that extraordinary hallucined, anguished and absent expression, he might have fallen down in a fit from the shock of being spoken to. I said nothing of all this to Miss Haldin, not even mentioning that I had a glimpse of the young man so recently. The impression had been so extremely unpleasant that I would have been glad to forget it myself.

"I don't see where I could make inquiries," I murmured, helplessly. I would have been glad to be of use in any way, and would have set off to fetch any man, young or old, for I had the greatest confidence in her common sense. "What made you think of coming to me for that information?" I asked.

"It wasn't exactly for that," she said in a low voice. She had the air of some one confronted by an unpleasant task.

"Am I to understand that you must communicate with Mr. Razumov this evening?"

Natalia Haldin moved her head affirmatively, then, after a glance at the door of the drawing-room, said in French, "*C'est, Maman,*" and remained perplexed for a moment, always serious, not a girl to be put out by any imaginary difficulties. My curiosity was suspended on her lips, which remained closed for a moment. What was Mr. Razumov's connection with this mention of her mother? Mrs. Haldin had not been informed of her son's friend's arrival in Geneva.

"May I hope to see your mother this evening?" I inquired.

Miss Haldin extended her hand as if to bar the way.

"She is in a terrible state of agitation. Oh, you would not be able to detect. . . . It's inward, but I who know mother—I am appalled. I haven't the courage to face it any longer. It's all my fault; I suppose I cannot play a part; I've never before hidden anything from mother. There has never been an occasion for anything of that sort between us. But you know yourself the reason why I refrained from telling her at once of Mr. Razumov's arrival here. You understand—don't you?—owing to her unhappy state. And—there—I am no actress—my own feelings being strongly engaged, I somehow . . . I don't know. She noticed something in my manner. She thought I was concealing something from her. She noticed my longer absences, and as I have been meeting Mr. Razumov daily I used to stay away longer than usual when I went out. Goodness knows what suspicions arose in her mind. You know that she has not been herself ever since . . . so this evening she—who has been so awfully silent for weeks—began to talk all at once. She said that she did not want to reproach me; that I had my character as she had her own; that she did not want to pry into my affairs or even into my thoughts; for her part, she had never had anything to conceal from her children . . . cruel things to listen to. And all this in her quiet voice, with that poor wasted face as calm as a stone. It was unbearable."

Miss Haldin talked in an undertone and more rapidly than I had ever heard her speak before. That in itself was disturbing. The anteroom being strongly lighted, I could see under the veil the heightened color of her face. She stood erect, her left hand was resting lightly on a small table. The other hung by her side without stirring. Now and then she caught her breath slightly.

"It was too startling. Just fancy! She thought that I was making preparations to leave her without saying anything. I knelt by the side of her chair and entreated her to think of what she was saying. She put her hand on my head—but she persists in her delusion all the same. She had always thought that she was worthy of her children's confidence—but apparently it was not so. Her son could not trust her love if not her understanding—and now I was planning to abandon her in the same cruel and unjust manner—and so on, and so on. Nothing I could say. . . . It is morbid obstinacy. . . . She said that she felt there was something, some change in me. . . . If my convictions were calling me away, why this secrecy, as though she had been a coward or a weakling not safe to trust? 'As if my heart could play traitor to my children,' she said. . . . It was hardly to be borne. And she was smoothing my head all the time. . . . It was perfectly useless to protest. She is ill. Her very soul is . . ."

I did not venture to break the silence which fell between us. I looked into her eyes, glistening through the veil.

"I! Changed!" she exclaimed in the same low tone. "My convictions calling me away! It was so cruel to hear that, because my trouble is that I am weak and cannot see what I ought to do. You know that. And to end it all I did a selfish thing. To remove her suspicions of myself I told her of Mr. Razumov. It was selfish of me. You know we were completely right in agreeing to keep the knowledge away from her. Perfectly right. Directly I told her of our poor Victor's friend being here I saw

how right we have been. She ought to have been prepared, but in my distress I just blurted it out. Mother got terribly excited at once. 'How long has he been here? What did he know, and why did he not come to see us at once, this friend of her Victor? What did that mean? Was she not to be trusted even with such memories as there were left of her son?' . . . Just think how I felt seeing her white like a sheet, perfectly motionless, with her thin hands gripping the arms of the chair. I told her it was all my fault."

I could imagine the motionless, dumb figure of the mother in her chair, there behind the door near which the daughter was talking to me. The silence in there seemed to call aloud for vengeance against a historical fact and the modern instances of its working. That view flashed through my mind, but I could not doubt that Miss Haldin had had an atrocious time of it. I quite understood when she said that she could not face the night upon the impression of that scene. Mrs. Haldin had given way to most awful imaginings, to most fantastic and cruel suspicions. All that had to be lulled at all costs and without loss of time. It was no shock to me to learn that Miss Haldin had said to her, "I will go and bring him here at once." There was nothing absurd in that cry, no exaggeration of sentiment. I was not even doubtful in my "Very well—but how?"

It was perfectly right that she should think of me; but what could I do in my ignorance of Mr. Razumov's quarters?

"And to think he may be living near by, within a stone's throw, perhaps!" she exclaimed.

I doubted it; but I would have gone off cheerfully to fetch him from the other end of Geneva. I supposed she was certain of my readiness, since her first thought was to come to me. But the service she meant to ask of me really was to accompany her to the Château Borel.

On hearing this I had an unpleasant mental vision of the dark road, of the somber grounds, and the desolately suspicious aspect of that home of necromancy and intrigue and feminist adoration. I objected that Madame de S—— most likely would know nothing of what we wanted to find out. Neither did I think it likely that the young man should be found there. I remembered my glimpse of his face, and somehow gained the conviction that a man who looked worse than if he had seen the dead would want to shut himself up somewhere where he could be alone. I felt a strange certitude that Mr. Razumov was going home when I saw him.

"It is really of Peter Ivanovitch that I was thinking," said Miss Haldin, quietly.

Ah! He, of course, would know. I looked at my watch. It was twenty minutes past nine only. . . . Still . . .

"I would try his hotel, then," I advised. "He has rooms at the Cosmopolitan, somewhere on the top floor."

I did not offer to go by myself simply from mistrust of the reception I should meet with. But I suggested the faithful Anna—with a note asking for the information.

Anna was still waiting by the door at the other end of the room, and we two discussed the matter in whispers. Miss Haldin thought she must go herself. Anna was timid and slow. Time would be lost in bringing back the answer; and from that point of view it was getting late, for it was by no means certain that Mr. Razumov lived near by.

"If I go myself," Miss Haldin argued, "I can go straight to him from the hotel. And in any case I should have to go out, because I must explain to Mr. Razumov personally—prepare him, in a way. You have no idea of mother's state of mind."

Her color came and went. She even thought that both for her mother's sake and for her own it was better that they should not be together for a little time. Anna, whom her mother liked, would be at hand.

"She could even take her sewing into the room. Mother won't mind," Miss Haldin continued, as I followed her to the door. Then, addressing in German the maid who opened it before us: "You may tell my mother that this gentleman called and is gone with me to find Mr. Razumov. She must not be uneasy if I am away for some length of time."

We passed out quickly at the big house door and she took deep breaths of the cool night air. "I did not even ask you," she murmured.

"I should think not," I said, with a laugh. The manner of my reception by the great feminist could not be considered now. That he would be annoyed to see me and probably treat me to some solemn insolence I had no doubt, but I supposed that he would not absolutely dare to throw me out. And that was all I cared for. "Won't you take my arm?" I asked.

She did so without a word, and neither of us spoke till I let her go first into the great hall of the hotel. It was brilliantly lighted and with a good many people lounging about.

"I could very well go up there without you," I suggested.

"I don't like to be left waiting in this place," she said in a low voice. "I will come, too."

I led her straight to the lift then. At the top floor the attendant directed us to the right: "End of the corridor."

The walls were white, the carpet red, electric lights blazed in profusion, and the emptiness, the silence, the closed doors, all alike and numbered, made me think of the perfect order of some severely luxurious model penitentiary on the solitary-confinement principle. Up there, under the roof of that enormous pile for housing travelers, no sound of any kind reached us; the thick crimson felt muffled our footsteps completely. We hastened on, not looking at each other till we found ourselves before the very last door of that long passage. Then our eyes met, and we stood thus for a moment, lending ear to a faint murmur of voices inside.

"I suppose this is it," I whispered, unnecessarily. I saw Miss Haldin's lips move, and after my sharp knock the murmur of voices ceased. A profound stillness lasted for a few seconds and then the door was brusquely opened by a short, black-eyed woman in a red blouse, with a great lot of nearly white hair done up negligently in an untidy and picturesque manner. Her thin, jetty eyebrows were drawn together. I learned afterward, with interest, that she was the famous—or the notorious—Sofia Antonovna, but I was struck then by the quaint Mephistophelian character of her inquiring glance, because it was curiously evilless, so—I may say—undevilish. It got softened still more as she looked up at Miss Haldin, who stated, in her gentle, even voice, her wish to see Peter Ivanovitch for a moment.

"I am Miss Haldin," she added.

At this, with her brow completely smoothed out now, but without a word in answer, the woman in the red blouse walked away to a sofa and sat

down, leaving the door wide open. And from the sofa, her hands lying on her lap, she watched us enter with her black, glittering eyes.

Miss Haldin advanced into the middle of the room; I, faithful to my part of mere attendant, remained by the door after closing it behind me. The room, quite a large one, but with a low ceiling, was scantily furnished, and an electric bulb, with a porcelain shade pulled low down over a big table (with a very large map spread on it), left its distant parts in a dim, artificial twilight. Peter Ivanovitch was not to be seen; neither was Mr. Razumov present. But on the sofa near Sofia Antonovna a bony-faced man with a goatee-beard leaned forward, with his hands on his knees, staring frankly with faded kindly eyes. In a remote corner a bulky shape and a broad pale face could be made out, uncouth, and as if insecure on the low seat on which it rested. The only person known to me was little Julius Laspara, who seemed to have been poring over the map, with his feet twined tightly round the chair legs. He got down briskly and bowed to Miss Haldin, looking absurdly like a small, hook-nosed boy with a beautiful false pepper-and-salt beard. He advanced, offering his seat, which Miss Haldin declined. She had only come in for a moment to say a few words to Peter Ivanovitch.

His high-pitched voice became painfully accented in the room.

"Strangely enough, I was thinking of you this very afternoon, Natalia Viktorovna. I met Mr. Razumov. I asked him to write me an article on anything he liked. You could translate it into English with such a teacher."

He nodded complimentarily in my direction. At the name of Razumov an indescribable sound, a sort of feeble squeak, as of some angry small animal, was heard in the corner occupied by the man who seemed much too bulky for the chair on which he sat. I did not hear what Miss Haldin said. It was Laspara who spoke again.

"It's time to do something, Natalia Viktorovna. But I suppose you have your own ideas. Why not write something yourself? Suppose you came to see us soon? We could talk it over. Any advice . . ."

Again I did not catch Miss Haldin's words. It was Laspara's voice once more.

"Peter Ivanovitch? He's retired for a moment into the other room. We are all waiting for him."

The great man entering at that moment looked bigger, taller, quite imposing in a long dressing-gown of some dark stuff. It descended in straight lines down to his feet. He suggested a monk or a prophet, a robust figure of some desert-dweller—something Asiatic; and the dark glasses in conjunction with this costume made him more mysterious than ever in that subdued light.

Little Laspara went back to his chair to look at the map, the only brilliantly lit object in the room. Even from my distant position by the door I could make out, mainly by the shape of the blue part representing the water, that it was a map of the Baltic provinces. Peter Ivanovitch exclaimed slightly, advancing toward Miss Haldin, checked himself on perceiving me, very vaguely, no doubt, and peered with his dark-bespectacled stare. He must have recognized me by my gray hair, because with a marked shrug of his broad shoulders he turned to Miss Haldin in benevolent indulgence. He seized her hand and put his other big paw like a lid over it.

While those two, standing in the middle of the floor, were exchanging a few inaudible phrases no one else moved in the room: Laspara, with his

back to us, kneeling on the chair, his elbows propped on the big scale map, the shadowy enormity in the corner, the frankly staring man with the goatee on the sofa, the woman in the red blouse by his side—not one of them stirred. I suppose that really they had no time, for Miss Haldin withdrew her hand immediately, and before I was ready for her was moving to the door. A disregarded Westerner, I threw it open hurriedly and followed her out, my last glance as I was closing the door leaving them all motionless in their varied poses. Peter Ivanovitch alone standing up, with his dark glasses like an enormous blind teacher, and behind him the vivid patch of light on the colored map pored over by the diminutive Laspara.

Later on, much later on, at the time of the newspaper rumors (they were vague and soon died out) of an abortive military conspiracy in Russia, I remembered the glimpse I had of that motionless group with its central figure. Planned as an attempt to seize power, it was to break out at a great review. No details ever came out, but it was known that the revolutionary parties abroad had given their assistance, had sent emissaries in advance, that even money was found to despatch a steamer with a cargo of arms and conspirators. And while my eyes scanned the imperfect disclosures (in which the world was not much interested), I thought that the old settled Europe had been given in my person attending that Russian girl something like a glimpse behind the scenes. A short, strange glimpse on the top floor of a great hotel of all places in the world: the great man himself, the motionless great bulk in the corner of the slayer of spies and gendarmes; Yakovlitch, the veteran of ancient terrorist campaigns; the woman with her hair as white as mine and the lively black eyes, all in a mysterious half-light, with the strongly lighted map of Russia on the table. The woman I had the opportunity to see again. As we were waiting for the lift she came hurrying along, with her eyes fastened on Miss Haldin's face, and drew her aside as if for a confidential communication. It was not long. A few words only.

Going down in the lift Natalia Haldin did not break the silence. It was only when, out of the hotel, and as we moved along the quay in the fresh darkness spangled by the quay lights reflected in the black water of the little port on our left hand, and with lofty piles of hotels on our right that she spoke.

"That was Sofia Antonovna—you know the woman? . . ."

"Yes, I know—the famous . . ."

"The same. It appears that after we went out Peter Ivanovitch told them why I had come. That was the reason she came out after us. She named herself to me, and then she said: 'You are the sister of a brave man who shall be remembered. You may see better times.' I told her I hoped to see the time when all this would be forgotten, even if the name of my brother were to be forgotten too. Something moved me to say that—but you understand?"

"Yes," I said. "You think of the era of concord and justice. The destructors should be anonymous."

"Yes; there is too much hate and revenge in that work. It must be done. It is a sacrifice—and so let it be all the greater. Destruction is too much the work of anger. Let the tyrants and the slayers be forgotten together and only the reconstructors be remembered."

"And did Sofia Antonovna agree with you?" I asked, skeptically.

"She did not say anything except, 'It is good for you to believe in love.' I should think she understood me. Then she asked me if I hoped to see Mr. Razumov presently. I said I trusted I could manage to bring him to see my mother this evening, as my mother had learned of his being here and was morbidly impatient to learn if he could tell us something of Victor. He was the only friend of my brother we knew of and a great intimate. She said: 'Oh, your brother—yes. Please tell Mr. Razumov that I have made known the story which came to me from St. Petersburg. It concerns your brother's arrest,' she added. 'He was betrayed by a man of the people who has since hanged himself. Please tell Mr. Razumov that Sofia Antonovna sends him her greetings. I am going away early in the morning —far away.'"

And Miss Haldin added, after a moment of silence:

"I was so moved by what I heard so unexpectedly that I simply could not speak to you before."

She walked slowly, as if tired out suddenly, her head drooped; from the windows of a building with terraces and balconies came the banal sound of hotel music. Before the low, mean portals of the Casino two red posters blazed under the electric lamps with a cheap provincial effect. And the emptiness of the quays, the deserted aspect of the streets, had an air of hypocritical respectability and of inexpressible dreariness.

I had taken for granted she had obtained the address and let myself be guided by her. On the Mont Blanc bridge, where a few dark figures seemed lost in the wide and long perspective defined by the lights, she said:

"It isn't very far from our house. I somehow thought it couldn't be. The address is Rue du Carouge. I think it may be one of those big new houses for artisans."

She took my arm confidently, familiarly, and accelerated her pace. There was something primitive in all her proceedings. She did not think of the resources of civilization. A late tram-car overtook us; a row of fiacres stood by the railing of the gardens. It never entered her head to make use of these conveyances. Neither did it enter mine. She was too hurried, perhaps; and as to myself—well, she had taken my arm confidingly. As we were ascending the easy incline of the Corraterie, all the shops shuttered and no light in any of the windows (as if all the mercenary population had fled at the end of the day), she said, tentatively:

"I could run in for a moment to have a look at mother. It would not be much out of the way."

I dissuaded her. If Mrs. Haldin really expected to see Razumov that night it would have been unwise to show herself without him. The sooner we got hold of the young man and brought him along to calm her mother's agitation the better. She assented to my reasoning, and we crossed diagonally the Place du Théâtre, all gray with its floor of slabs of stone under the electric lamps, and the lonely equestrian statue, all black, in the middle. In the Rue du Carouge we were in the poorer quarters and approaching the outskirts of the town. Vacant building-plots alternated with high new houses. At the corner of a side street, cutting its unpaved roadway through a dark wilderness of waste ground, the crude light of a whitewashed shop fell into the night, fan-like, through a wide doorway. One could see from a distance the inner wall, with its scantily furnished shelves, and the deal counter painted brown. That was the house. Approaching it along the

dark stretch of a fence of tarred planks, we saw the narrow, pallid face of the cut angle, five windows high, without a gleam in them and crowned by the heavy shadow of a jutting roof slope.

"We must inquire in the shop," Miss Haldin directed me.

A sallow, thinly whiskered man wearing a dingy white collar and a frayed tie. laid down a black, smudgy newspaper, and, leaning familiarly on both elbows far over the bare counter, answered that the person I was inquiring for was indeed his *locataire* on the third floor, but that for the moment he was out.

"For the moment," I repeated, after a glance at Miss Haldin. "Does that mean that you expect him back at once?"

He was very gentle, with ingratiating eyes and soft lips. He smiled faintly, as though he knew all about everything. Mr. Razumov, after being absent all day, had returned early in the evening. He was very surprised about half an hour or a little more ago to see him come down again. Mr. Razumov left his key, and in the course of some words which passed between them had remarked that he was going out because he needed air.

From behind the bare counter he went on smiling at us, his head held between his hands. Air! Air! But whether that meant a long or a short absence it was difficult to say. The night was very close certainly.

After a pause, his ingratiating eyes turned to the door, he added:

"The storm will drive him in."

"There's going to be a storm?" I asked.

"Why—yes!"

As if to confirm his word, we heard a very distant, deep rumbling noise.

Consulting Miss Haldin by a glance, I saw her so reluctant to give up her quest that I asked the shopkeeper, in case Mr. Razumov came home within half an hour, to beg him to remain down-stairs in the shop. We would look in again presently.

For all answer he moved his head imperceptibly. The approval of Miss Haldin was expressed by her silence. We walked slowly down the street away from the town; the low garden walls of the modest villas doomed to demolition were overhung by the boughs of trees and masses of foliage lighted from below by gas lamps. The violent and monotonous noise of the icy Arve falling over a low dam swept toward us with a chilly draught of air over a great open space where a double line of lamp-lights defined a street without houses. But on the other shore, overhung by the thunder-cloud, a solitary dim light, low in the complete darkness, seemed to watch us with a steady stare. When we had strolled as far as the bridge I said:

"We had better get back. . . ."

In the shop the sickly man was studying the smudgy newspaper, now spread out largely on the counter. He just raised his head when I looked in and shook it negatively, pursing his lips. I rejoined Miss Haldin outside at once, and we moved off at a brisk pace. She remarked that she would send Anna with a note the first thing in the morning. I respected her taciturnity, silence being, perhaps, the best way to show my concern.

The semi-rural street we followed on our return changed gradually to the usual town thoroughfare, broad and deserted. We did not meet four people altogether, and the way seemed interminable because my companion's natural anxiety had communicated itself sympathetically to me. At last

we turned into the Boulevard des Philosophes, more wide, more empty, more dead—the very desolation of slumbering respectability. At the sight of the two lighted windows, very conspicuous from afar, I had the mental vision of Mrs. Haldin in her arm-chair keeping a dreadful tormenting vigil under the evil spell of an arbitrary rule, a victim of tyranny and revolution, a sight at once cruel and absurd.

CHAPTER XV

"You will come in for a moment?" said Natalia Haldin.

I demurred on account of the late hour. "You know mother likes you so much," she insisted.

"I will just come in to hear how your mother is."

She said, as if to herself: "I don't even know whether she will believe that I could not find Mr. Razumov, since she has taken it into her head that I am concealing something from her. You may be able to persuade her. . . ."

"Your mother may mistrust me, too," I observed.

"You! Why? What could you have to conceal from her? You are not a Russian nor a conspirator. . . ."

I felt profoundly my European remoteness, and said nothing, but I made up my mind to come in and play my part of helpless spectator to the end. The distant rolling of thunder in the valley of the Rhone was coming nearer to the sleeping town of prosaic virtues and universal hospitality. We crossed the street opposite the great, dark gateway, and Miss Haldin rang at the door of the apartment. It was opened almost instantly, as if the elderly maid had been waiting in the anteroom for our return. Her flat physiognomy had an air of satisfaction. The gentleman was there, she declared while closing the door.

Neither of us understood. Miss Haldin turned round brusquely to her. "Who?"

"Herr Razumov," she explained.

She had heard enough of our conversation before we left to know why her young mistress was going out. Therefore, when the gentleman gave his name at the door she admitted him at once.

"No one could have foreseen that," Miss Haldin murmured, with her serious gray eyes fixed upon mine. And remembering the expression of the young man's face seen not much more than four hours ago, the look as of a haunted somnambulist, I wondered with a sort of awe.

"You asked my mother first?" Miss Haldin inquired of the maid.

"No; I announced the gentleman," she answered, surprised at our troubled faces.

"Still," I said in an undertone, "your mother was prepared."

"Yes, but he has no idea . . ."

It seemed to me she doubted his tact. To her question how long the gentleman had been with her mother the maid told us that *der Herr* had been in the drawing-room no more than a short quarter of an hour.

She waited a moment, then withdrew, looking a little scared. Miss Haldin gazed at me in silence.

"As things have turned out," I said, "you happen to know exactly what your brother's friend has to tell your mother. And surely after that . . ."

"Yes," said Natalia Haldin, slowly. "I only wonder, as I was not there when he came, if it wouldn't be better not to interrupt now."

We remained silent, and I suppose we both strained our ears, but no sound reached us through the closed door. The features of Miss Haldin expressed a painful irresolution; she made a movement as if to go in, but checked herself. She had heard footsteps on the other side of the door. It opened, and Razumov, without pausing, stepped out into the anteroom. The fatigue of that day and the struggle with himself had changed him so much that perhaps I would have hesitated to recognize that face which only a few hours before, when he brushed against me in front of the post-office, had been startling enough, but quite different. It had not been so livid then and its eyes not so somber. They certainly looked more sane now, but there was upon them the shadow of something consciously evil.

I speak of that because at first their glance fell on me, though without any sort of recognition or even comprehension. I was simply in the line of his stare. I don't know if he had heard the bell or expected to see anybody. He was going out, I believe; and I do not think that he saw Miss Haldin till she advanced toward him a step or two. Then his expression changed. He did not notice the hand she offered him.

"It's you, Natalia Viktorovna. . . . Perhaps you are surprised at this late hour. But, you see, I remembered the conversations in that garden. I thought really it was your wish that I should—without loss of time—so I came. No other reason. Simply to tell . . ."

He spoke with difficulty. I noticed that, and remembered his declaration to the man in the shop that he was going out because he "needed air." If that was his object, then it was clear that he had miserably failed. With downcast eyes and lowered head he made an effort to pick up the strangled phrase.

"To tell what I have heard myself only to-day—to-day . . ."

Through the door he had not closed I had a view of the drawing-room. It was lighted up only by a shaded lamp—Mrs. Haldin's eyes could not support either gas or electricity. It was a comparatively big room, and, in contrast with the strongly lighted anteroom, its length was lost in semi-transparent gloom backed by heavy shadows; and on that ground I saw the fine, motionless profile of Mrs. Haldin's bloodless face inclined slightly forward, with a pale hand resting on the arm of the chair.

She did not move. With the window before her, she had no longer that attitude which suggested expectation. The blind was down; and outside there was only the night sky harboring a thunder-cloud and the town indifferent and hospitable in its cold, almost scornful, toleration—a strange town of refuge to which all these sorrows and hopes were nothing. Her white head was bowed.

The thought that the real drama of autocracy is not played on the great stage of politics came to me as, fated to be a spectator, I had this other glimpse behind the scenes, something more profound than the words and gestures of the public play. I had the certitude that this mother, after having heard now all that was to be known of her son's fate, refused in her heart to give him up after all. It was more than Rachel's inconsolable mourning; it was something deeper, more inaccessible in its frightful tranquillity. Lost in the ill-defined mass of the high-backed chair, her

white, inclined profile suggested the contemplation of something in her lap as though a beloved head were resting there.

I had this glimpse behind the scenes, and then Miss Haldin, passing by the young man, shut the door. It was not done without hesitation. For a moment I thought that she would go to her mother, but she sent in only an anxious glance. Perhaps if Mrs. Haldin had moved . . . but no. There was in the immobility of that white profile the dreadful aloofness of suffering without remedy.

Meantime the young man kept his eyes fixed on the floor. The thought that he would have to repeat the story he had told already was intolerable to him. He had expected to find the two women together. And then, he had said to himself, it would be over for all time—for all time. "It's lucky I don't believe in another world," he had thought, cynically.

Alone in his room, he had regained a certain measure of composure by writing in his secret diary. He was aware of the danger of that strange self-indulgence. He alludes to it himself, but he could not refrain. It calmed him—it reconciled him to his existence. He sat there scribbling by the light of a solitary candle till it occurred to him that, having heard the explanation of Haldin's arrest as put forward by Sofia Antonovna, it behooved him to tell these ladies himself, since they were certain to hear the tale through some other channel; and then his abstention would look strange not only to the mother and sister of Haldin, but to other people also. Having come to this conclusion, he did not discover in himself any marked reluctance to face the necessity; and very soon an anxiety to be done with it began to torment him. He looked at his watch. No, it was not absolutely too late.

He was calmed by his self-communion; that dread which had kept him for days from facing Miss Haldin was gone. He felt nothing of it, perhaps, simply for the reason that now he had a story to tell. It had been settled for him; there was nothing to do but to have it over and done with. The fact that these were women he was going to meet did not trouble him especially. As a matter of fact, he did not recognize women as women. There had been literally no feminine influence in his life. Women were human beings for him and nothing more, somewhat in the background, not to be thought of in any special way. He simply knew nothing of them in any relation; no woman had ever influenced a dream of his, taken up a moment of his time or awakened any of his dormant feelings; no thought of woman had enriched his life by a touch of amenity, of color, of reverie. It may be said that in a manner he had never seen a woman, for even Sofia Antonovna was a conspirator, a revolutionist, a dangerous person with whom he must be on his guard more than with anybody else—nothing more.

The fifteen minutes with Mrs. Haldin were like the revenge of the unknown. That white face; that weak, distinct voice; that head, at first turned to him eagerly, then after a while bowed again and motionless—in the dim, still light of the room in which his words which he tried to subdue resounded so loudly—had troubled him like some strange discovery. And there seemed to be a secret obstinacy in that sorrow, something he could not understand; at any rate, something he had not expected. Was it hostile? But it did not matter. Nothing could touch him now; in the eyes of revolutionists there was now no shadow on his past. The phantom

of Haldin had been indeed walked over, was left behind lying powerless and passive on the pavement covered with snow. And this was the phantom's mother, consumed with grief and white as a ghost. He had felt a pitying surprise. But that, of course, was of no importance. Mothers did not matter. He could not shake off the poignant impression of that silent, quiet, white-haired woman, but a sort of sternness crept into his thoughts. These were the consequences. Well, what of it? "Am I, then, on a bed of roses?" he had exclaimed to himself, sitting at some distance with his eyes fixed upon that figure of sorrow. He had said all that he had to say to her, and when he had finished she had not uttered a word. She had turned away her head while he was speaking. The silence which had fallen on his last words had lasted for five minutes or more. What did it mean? Before its incomprehensible character he became conscious of anger in his stern mood, the old anger against Haldin reawakened by the contemplation of Haldin's mother. And was it not something like enviousness which gripped his heart as if of a privilege denied to him alone of all the men that had ever passed through this world? It was the other who had attained to repose and yet continued to exist in the affection of that mourning old woman, in the thoughts of all these people posing for lovers of humanity. It was impossible to get rid of him. "It's myself that I have given up to destruction," thought Razumov. "He has induced me to do it. I can't shake him off."

Alarmed by that discovery, he got up and strode out of the silent, dim room, with its silent old woman in the chair, that mother! He never looked back. It was frankly a flight. But on opening the door he saw his retreat cut off. There was the sister. He had never forgotten the sister, only he had not expected to see her then—or ever any more perhaps. He had looked upon her as out of the way, somewhere within, avoided for good. Her presence in the anteroom was as unforeseen as the apparition of her brother had been. Razumov gave a start as though he had discovered himself cleverly trapped. He tried to smile, but could not manage it, and lowered his eyes. "Must I repeat that silly story now?" he asked himself, and felt a sinking sensation. Nothing solid had passed his lips since the day before, but he was not in a state to analyze the origins of his weakness. He meant to take up his hat and depart with as few words as possible, but Miss Haldin's swift movement to shut the door took him by surprise. He half turned after her, but without raising his eyes, passively, just as a feather might stir in the disturbed air. The next moment she was back in the place she had started from with another half-turn on his part, so that they came again into the same relative positions.

"Yes, yes," she said, hurriedly. "I am very grateful to you, Kirylo Sidorovitch, for coming at once—like this . . . only I wish I had . . . Did mother tell you?"

"I wonder what she could have told me that I did not know before," he said, obviously to himself, but perfectly audibly. "Because I *did* know it," he added louder, as if in despair. "I always knew it."

He raised his head then. He had such a strong sense of Natalia Haldin's presence that to look at her he felt would be a relief. It was she who had been haunting him now. He had suffered that persecution ever since she had suddenly appeared before him in the garden of the Villa Borel with an extended hand and the name of her brother on her lips.

The anteroom, which was a larger room than is usual, contained a row of hooks on the wall nearest to the outer door, while against the wall opposite there stood a small dark table and one chair. The paper, bearing a very faint design, was all but white. The light of an electric bulb high up under the ceiling searched that clear square box into its four bare corners crudely without shadows, a strange stage for an obscure drama.

"What do you mean?" asked Miss Haldin. "What is it that you knew always?"

He raised to her his face pale, full of unexpressed suffering. But that look in his eyes of a dull, absent obstinacy which struck and surprised everybody he was talking to began to pass away. It was as though he were coming to himself in the awakened consciousness of that marvelous harmony of feature, of lines, of glances, of voice, which made of the girl before him a being so rare outside and, as it were, above the common notion of beauty. He looked at her so long that she colored slightly.

"What is it that you knew?" she repeated, vaguely.

That time he managed a smile.

"Indeed, if it had not been for a word of greeting or two I would doubt whether your mother is aware at all of my existence. You understand."

Natalia Haldin nodded; her hands moved slightly by her side.

"Yes. Is it not heart-breaking? She has not shed a tear yet—not a single tear . . ."

"Not a tear! And you, Natalia Viktorovna? You have been able to cry?"

"I have. And then I am young enough, Kirylo Sidorovitch, to believe in the future. But when I see my mother so terribly distracted I almost forget everything. I ask myself whether one should feel proud—or only resigned. We had such a lot of people coming to see us. There were utter strangers who wrote asking for permission to call to present their respects. It was impossible to keep our door shut forever. You know Peter Ivanovitch himself . . . Oh yes, there was much sympathy, but there were persons who exulted openly at that death. Then when I was left alone with poor mother all this seemed so wrong in spirit, something not worth the price she is paying for it. But directly I heard you were here in Geneva, Kirylo Sidorovitch, I felt that you were the only person who could assist me . . ."

"In comforting a bereaved mother? Yes!" he broke in in a manner which made her open her clear, unsuspecting eyes. "But there is a question of fitness. Has this occurred to you?"

There was a breathlessness in his utterance which contrasted with the monstrous hint of mockery in his intention.

"Why," whispered Natalia Haldin, with feeling. "Who more fit than you?"

He had a convulsive movement of exasperation, but controlled himself.

"Indeed! Directly you heard I was in Geneva before even seeing me? It is another proof of that confidence which . . ."

This was angry mockery, but all at once his tone changed, became more incisive and more detached.

"Men are poor creatures, Natalia Viktorovna. They have no intuition of sentiment. In order to speak fittingly to a mother of her lost son one must have had some experience of the filial relation. It is not the case

with me—if you must know the whole truth. Your hopes have to deal here with "a breast unwarmed by any affection," as the poet says. . . . That does not mean it is insensible," he added in a lowered tone.

"I am certain your heart is not unfeeling," said Miss Haldin, softly.

"No, it is not as hard as a stone," he went on in the same lowered, introspective voice and looking as if his heart were lying as heavy as a stone in that unwarmed breast of which he spoke. "No, not so hard. But how to prove what you give me credit for—ah, that's another question. No one has ever expected such a thing from me before. No one whom my tenderness would have been of any use to. And now you come. You! Now! No, Natalia Viktorovna. It's too late. You come too late. You must expect nothing from me."

(To be Continued)

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URIEL

Stanzas to the Memory of William Vaughn Moody*

BY PERCY MACKAYE

Uriel, you that in the ageless sun
Sit in the awful silences of light,
Singing of vision hid from human sight—
Prometheus, beautiful rebellious one!
And you, Deucalion,
For whose blind seed was brought the illuming spark:
Are you not gathered, now his day is done,
Beside the brink of that relentless dark—
The dark where your dear singer's ghost is gone?

Imagined beings, who majestic blend
Your forms with beauty!—questing, unconfined,
The mind conceived you, though the quenchèd mind
Goes down in dark where you in dawn ascend.
Our songs can but suspend
The ultimate silence: yet could song aspire
The realms of mortal music to extend
And wake a sibyl's voice or seraph's lyre—
How should it tell the dearness of a friend?

* William Vaughn Moody died October 17, 1910. On the night of October 16th, he told of a new drama on the theme of Saint Paul which had come to him splendidly as a vision. To that fact the sixth stanza of this poem refers.

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The simplest is the inexpressible;
The heart of music still evades the Muse,
And arts of men the heart of man suffuse,
And saddest things are made of silence still.
In vain the senses thrill
To give our sorrows glorious relief
In pyre of verse and pageants volatile,
And I, in vain, to speak for him my grief
Whose spirit of fire invokes my waiting will.

To him the best of friendship needs must be
Uttered no more; yet was he so endowed
That Poetry because of him is proud
And he more noble for his poetry,
Wherefore—and fittingly—
I obey the strong compulsion which this verse
Lays on my lips with strange austerity—
Now that his voice is silent—to rehearse
For my own heart how he was dear to me.

Not by your gradual sands, elusive Time,
We measure your gray sea, that never rests:
The bleeding hour-glasses in our breasts
Mete with quick pangs the ebbing of our prime,
And drip—like sudden rime
In March, that melts to runnels from a pane
The south breathes on—oblivion of sublime
Crystallizations, and the ruthless wane
Of glittering stars, that scarce had range to climb.

Darkling those constellations of his soul
Glimmered, while racks of stellar lightnings shot
The white, creative meteors of thought
Through that last night, where—clad in cloudy stole—
Beside his ebbing shoal
Of life-blood, stood Saint Paul, blazing a theme
Of living drama from a fiery scroll
Across his stretchèd vision as in dream—
When Death, with blind dark, blotted out the whole.

And yet not all: though darkly alien
Those uncompleted worlds of work to be

Are waned, still, touched by them, the memory
Gives afterglow; and now that comes again
The mellow season when
Our eyes last met, his kindling currents run
Quickening within me gladness and new ken
Of life, that I have shared his prime with one
Who wrought large-minded for the love of men.

But not alone to share that large estate
Of work and interchange of communings—
The little human paths to heavenly things
Were also ours: the casual, intimate
Vistas, which consecrate—
With laughter and quick tears—the dusty noon
Of days, and by moist beams irradiate
Our plodding minds with courage, and attune
The fellowship that bites its thumb at fate.

Where art thou now, mine host Guffanti?—where
The iridescence of thy motley troop!
Ah, where the merry, animated group
That snuggled elbows for an extra chair,
When space was none to spare,
To pour the votive Chianti, for a toast
To dramas dark and lyrics debonair,
The while, to *Bella Napoli*, mine host
Exhaled his Parmazan, Parnassan air!

Thy Parmazan, immortal laird of ease,
Can never mold, thy caviare is blest,
While still our glowing Uriel greets the rest
Around thy royal board of memories,
Where sit, the salt of these,
He of the laughter of a Hundred Lights—
Blithe Eldorado of high poesies,
And he—of enigmatic, gentle knights
The kindly keen—who sings of *Calverly's*.

Because he never wore his sentient heart
For crows and jays to peck, ofttimes to such
He seemed a stolid fellow, who o'ermuch
Held from the general gossip-ground apart,
Or tersely spoke, and tart:

How should they guess what eagle tore, within,
His quick of sympathy for humblest smart
Of human wretchedness, or probed his spleen
Of scorn against the hypocritic mart!

Sometimes insufferable seemed to come
That wrath of sympathy: One windy night,
We watched through squalid panes, forlornly white,—
Amid immense machines' incessant hum—
Frail figures, gaunt and dumb,
Of overlabored girls and children, bowed
Above their slavish toil: "O God!—A bomb!
A bomb!" he cried, "and with one fiery cloud
Expunge the horrible Cæsars of this slum!"

Another night dreams on the Cornish hills:
Trembling within the low moon's pallid fires,
The tall corn-tassels lift their fragrant spires;
From filmy spheres, a liquid starlight fills—
Like dew of daffodils—
The fragile dark, where multitudinous
The rhythmic, intermittent silence thrills,
Like song, the valleys.—"Hark! [he whispers]—Thus
May bards from crickets learn their canticles!"

Now Morning, not less lavish of her sweets,
Leads us along the wood paths—in whose hush
The quivering alchemy of the pure thrush
Cools from above the balsam-dripping heats—
To find, in green retreats,
Mid men of clay, the great, quick-hearted man
Whose subtle art our human age secretes,
Or him whose brush, tinct with cerulian,
Blooms with soft castle towers and cloud-capt fleets.

Still, to the sorcery of August skies,
In frillèd crimson flaunt the hollyhocks,
Where, lithely poised along the garden walks,
His little maid enamoured blithe outvies
The dipping butterflies
In motion—ah, in grace how grown the while,
Since he was wont to render to her eyes
His knightly court, or touch with flitting smile
Her father's heart by his true flatteries!

But summer's golden pastures boast no trail
So splendid as our fretted snow-shoes blaze
Where, sharp across the amethystine ways,
Iron Ascutney looms in azure mail,
And, like a frozen grail,
The frore sun sets—intolerably fair;
Mute, in our home-bound snow-tracks, we exhale
The silvery cold, and soon—where bright logs flare—
Talk the long indoor hours, till embers fail.

Ah, with the smoke, what smouldering desires
Waft to the starlight up the swirling flue!—
Thoughts that may never, as the swallows do,
Nest circling homeward to their native fires!
Ardors the soul suspires
The extinct stars drink with the dreamer's breath;
The morning song of Eden's early choirs
Grows dim with Adam; close at the ear of death
Relentless angels tune our earthly lyres!

Let it be so: More sweet it is to be
A listener of love's ephemeral song,
And live with beauty though it be not long,
And die enamoured of eternity,
Though in the apogee
Of time there sit no individual
Godhead of life, than to reject the plea
Of passionate beauty: loveliness is all,
And love is more divine than memory;

And love of beauty is the abiding part
Of friendship: by its intense beams we char
Away all dead and gross familiar
Disguise, and lay revealed truth's living heart—
The spirit's counterpart,
Which was in him a flaming Uriel
Obscured by chaining flesh, but freed by art
And by the hand-clasp which his friends knew well,
To make from time the imprisoned splendors start.

The splendors start again from common things
At thought of quiet hours of fellowship,
When his shy fancy, like an elfin ship,

On foam of pipe-smoke spread elusive wings,
While subdued carolings
Of viewless fervors followed in her wake,
Till, with swift tack and rhythmic sweep of strings,
She flew before his darkening thought, and strake
On reefs that rolled with solemn thunderings.

The simple and the mighty themes, that keep
Friendship robust and taut the mental tether,
Of these we talked in casual ways together,
Delighting in the shallow and the deep:
Nature, quick or asleep,
And poetry, the fool's anathema,
Plays, and the magic house whose passions weep
Or laugh at their own image, America
Our gallant country, and her captainship.

But special privileged investitures
Of beauty liked him not. To him the fact
Was by its passion only made compact
Of beauty; as, amid the Gloucester moors,
The loveliness, which lures
The artist's eye, for him was nature's prism
To illume his love of country: art which endures
At once is poetry and patriotism,
In spite of jingoists and epicures.

So, since his soul contemned thoughts which suborn
Glory from theft, where he stood, unafraid,
"Before the solemn bronze Saint-Gaudens made,"
It was his consecration to be torn
Between swift grief and scorn
For the island pillage of our Myrmidons,
And there alone, alone of the high born,
He spoke, as the great sculptor spoke in bronze,
From love, whose worth can never be outworn.

Long may we heed his voice, though he be mute
As the wan stars to instigate us more!
Long shall we need his voice, in the gross war
Of civic pillagers whose hands pollute
Our country, and confute
The oaths of freedom! Long his passionate art

Let serve the people's temple, to transmute
The impotence of artists, and impart
Strength to the fair, joy to the resolute!

The joy of that large faith American
In the high will which turns the human tide
He blazed across the sun-crowned Great Divide,
To make in art a new meridian,
Stretching the puny span
Of our pent theater's roof to arch a flood
Of mightier passion cosmopolitan,
And build, in nobler urgings of our blood,
The excellent democracy of man.

Nor less he probed the subtle, cosmical
Yearnings which glorify the spirit's sleep,
Where dumb Michaelis, 'mid his grazing sheep,
Stared on the awful Presence Spiritual,
And heard the mystic call
Of the clear Christ across the desert waste
Lifting from life and death the numbing pall
Of sense, for all the anguished and disgraced
Cleansing the mind with breath medicinal.

These were the virile omens of his prime
(Unmellowed still, he called them, but enough
To give his ardor tang for lordlier stuff),
But these, when from the clear noon of his clime
He sank—to solemn chime
Of stars—in twilight down, the petty grigs
That pipe around the marshes of the mime,
Parched niggards of negation, rasped with jigs
Of glee—to perish in the frost of time.

To her who, 'mid his starry litany,
Muffled their niggling jargon from his ears
For quiet music of familiar spheres,
Soothing the dark inevitability
With springs of courage, be
Her own strong soul her sentinel: the flame
That leaps in praise dies in my monody.
Beauty with service hallows her own fame:
A living greatness asks no elegy.

Uriel, you of light and vision guard!
Uriel, *you* who with that fiery being
Are blended in my vision's far foreseeing,
That by one name I hail you—friend and bard!
Our battling age is starred
With portents of your presence, till the years,
Urged by your voice, besiege time's evil-scarred
Ruin with sounds of singing pioneers,
Whose onward wills, like wings that slip the shard,

Sweep to the future! What the mind adores
The will of man shall conquer: what his fate
Denies, his courage still shall consummate!
And as Imagination, rising, soars—
Scattering the viewless spores
Of beauty on the tempest—Uriel,
You gaze with her where the blind gloaming roars,
Or murmur, where she sits—with fervent shell—
Rapt in the solitudes of fiery shores.

PERCY MACKAYE.

BEFORE AND AFTER THE VETO

BY EDWARD PORRITT

THERE have been only three great crises in the history of the House of Lords since the Revolution of 1688—the Revolution at which the English people shook themselves free from the Stuarts and the old Tory doctrine of the divine right of kings and imported the Hanoverians, and at which, quite as important as these momentous changes, the aristocracy—known since 1851, when Edward Michael Whitty coined the phrase, as the governing class—drew to itself absolute control of Parliament and of the government of England. The first of these crises came with the struggle over the Reform Bill of 1830-32. The second grew out of the bills for the extension of the Parliamentary franchise and for the redistribution of seats in the House of Commons of 1884-85; and the third and last over the Lords' Veto Bill, which received the Royal Assent on August 18th.

Little unpleasantnesses between the Commons and the Lords, arising over the powers of each with regard to money bills, occurred now and again from 1661, when the issue was a bill, originating with the Lords, for the paving of streets of Westminster in the neighborhood of St. Stephen's Palace, to 1861, when there was trouble over the repeal of the paper duties. The Lords in 1661 were greatly concerned over the wretchedness of the road between St. James's Palace and St. Stephen's—the road over which Charles II. had to travel when he went in state to open or prorogue Parliament; and in their royalist zeal they carried a bill through their House for the repair of the streets of Westminster. This would have laid a charge on the city of Westminster; and so when the bill, which had thus originated in the House of Lords—where no money bill should originate—reached the Commons, an objection was promptly raised. The Lords

were told that the Commons had observed "that the said bill was to alter the course of law in part and to lay a charge upon the people," and that the Commons conceived that "it is a privilege inherent in this House that bills of that nature ought to be considered here." After this observing and conceiving, it was ordered by the Commons that "the said bill be laid aside, and that the House of Lords be acquainted with the reason for doing so."

The House of Commons did not end the business with this observing and conceiving. It went a stage further; for it was ordered, as the Journal of the House of Commons for July 24, 1661, reads, that the House of Lords "be asked not to suffer any mention of the bill to remain in their Journals." Nevertheless, as the condition of the streets in the neighborhood of St. Stephen's Palace was undeniably and notoriously bad, and as Commons as well as Lords had to wade through the mud to reach the palace, the Commons were willing to accommodate themselves as well as Charles II. and the Lords; and on July 24th they "further acquainted" the Lords "that this House, finding the matter of the bill to be very useful and of public concernment, have ordered a bill of the like nature to be prepared and brought in to-morrow." The next day the substitute bill was introduced in the Commons. It was then read a second time; and the Commons were so eager to put an end to wading through mud to St. Stephen's both for Commons and Lords, and were, moreover, equally eager that no harm should come to Charles II.'s state coach, that progress on the bill was expedited; and by July 27th it had been read a third time and sent to the Lords.

In the mean time the bill from the Lords had been "cushioned," to use the phraseology of the Irish Parliament of the days before the repeal of Poynings' Act; and it was over the "cushioning" process that the final conflict between the two Houses occurred. Progress on the substitute bill in the Lords was as expeditious as it had been in the Commons, where it originated. It went through all its stages in the Lords between July 27th and July 29th, and on this day it was back in the Commons because of a proviso added by the Lords. In this proviso the Lords objected to the quashing of their bill and to the substitution therefor of the bill of the Commons. They cited three local improvement Acts imposing local charges, passed in 1562 and 1588, which

had originated with the Lords, although apparently not without protest from the House of Commons,

"Yet out of their tender and dutiful respect to His Majesty, who is much incommoded by the neglect of those highways and sewers mentioned in the bill, they have for this time, in that respect alone, given way to the bill now in agitation which came from the Commons, with a proviso of their Lordships."

The proviso declared that "nothing in this bill shall extend to the privilege of both or either of the Houses of Parliament," and that the act for paving the streets of Westminster "should not be drawn into example to their Lordships' prejudice." The Commons would not accept the proviso, but they offered a substitute proviso because that from the Lords "did insinuate a right which their Lordships claimed, which they (the Commons) could not admit."

The substitute proviso read "that nothing in this act shall be understood or shall extend to the admitting or creating of any right or principle of either House of Parliament which hath not formerly and justly belonged to either of them." With this substitute proviso the Westminster paving bill went back to the House of Lords. There it was objected that the Commons' proviso destroyed the proviso of the Lords. This the Commons, of course, intended it to do; so there was a deadlock. The bill failed to pass, and the Lords publicly advertised their defeat by the Commons, when they issued a proclamation—that had absolutely no force and was really an appeal—calling upon the justices of the peace of Westminster to put the streets in the neighborhood of Whitehall and Westminster into better order.

All the other conflicts over money bills from 1661 to 1861 ended as obviously in favor of the Commons as that of the year after the Restoration; and the only really great crisis growing out of conflicts between the two Houses were, as has been said, those of 1832, 1884, and 1909-11.

In the memorable struggle of 1832 over the Reform Act —the bill effecting great changes in the electoral system which had been admitted to be necessary and imperative as far back as the reign of Queen Elizabeth—the Lords were defeated. They were defeated, however, under circumstances which in no degree diminished the dignity with which they had entered upon that momentous conflict and maintained it until, under the leadership of Wellington, they had realized that defeat was inevitable. In the conflict of

1884 over the bill which extended the franchise to all the working classes, and the bill for the redistribution of seats, practically all the advantages and undeniably all the honors were with the Lords. It was the one great crisis out of which the Lords emerged victorious.

In that struggle there was a greater and more widely extended popular uprising against the Lords and their claims with regard to these two bills than there had been in 1832, chiefly because owing to enormously improved means of communication and of travel popular political demonstration was much more practicable than it had been during the crises of 1831 and 1832. There was in the summer of 1884 no rioting as there had been at Bristol, and no burning of castles as there had been at Nottingham. There was no run on the Bank of England, organized for political effect, as during the agitation of 1832. But the country was aroused in 1884 even more than it was over the Lords' Veto Bill of 1911; and from July to October, Bright, Morley, Chamberlain, and Dilke, the more radical leaders of the Liberal party of that day, were addressing great meetings—some held indoors, others in the open air — and demanding either the "ending or the mending" of the House of Lords.

During the summer and autumn months of 1884, on the surface it really looked as though the ending or mending of the House of Lords was about to happen—that a conflict impending since 1832 was to be fought out and settled before the Parliamentary franchise about to be extended to the working classes outside of the boroughs could be exercised by the new voters at a general election. But it was only on the surface that things were thus, for as yet the great division in the Liberal party on Home Rule had not occurred, the working classes had not yet begun to use their votes to return forty-odd Labor members to the House of Commons. England in 1884, as since 1688, was still governed by the territorial families of both political parties, and consequently at this time the Whigs were dominant in Gladstone's cabinet, as they had been in every Whig or Liberal cabinet since the end of the long Tory régime that was the immediate and outstanding result of the agitation for the Reform Bill of 1832 and its enactment.

A few Whigs of the Argyll and Lansdowne type had, it is true, broken away from Gladstone and the Liberals over the Irish land legislation of 1881. It has invariably been on

land questions—tenant right, game laws, land-purchase bills, and especially on bills for taxing land—that the territorial class has aroused itself in politics. This had been the case with the Whigs who left Gladstone in 1881. Thus the advance-guard of the small but territorially and politically powerful group of Whigs that was to break away from the Liberals in 1886, and soon thereafter to become indistinguishably merged in the Conservatives and in the governing class of the Conservative party, had moved away from the Liberals before the conflict with the House of Lords over the franchise bills of 1884. But during this conflict the Whigs were still all-powerful in the Liberal cabinet. Gladstone threatened the Lords then, as he did again in 1893, after their rejection of the second Home Rule Bill, but not the least harm could come to the House of Lords while the Whigs controlled the cabinet.

Notwithstanding the many popular demonstrations of 1884 at which Bright and Morley and Chamberlain and Dilke denounced the Lords as they had never before been denounced by statesmen of the rank of these four men—notwithstanding the vehemence with which these leaders insisted on mending or ending, and the popular support to the movement led by them, nothing prejudicial to the House of Lords happened in 1884. While these more radical and democratic leaders of the Liberal party were traveling from end to end of the country on this four months' campaign against the House of Lords, and keeping the rank and file of Liberals in the constituencies at white heat, much was happening quite below the surface. Much was happening that has not yet gone into the general histories—that can be traced only from the memoirs of the men who effected the settlement of 1884. The memoirs published up to 1911 show that while Bright and Morley and Chamberlain and Dilke were conducting a propaganda against the Lords without precedent in its extent, and in the success that was seemingly attending it, Gladstone, Hartington, and Granville were taking counsel and afternoon tea with Salisbury, Stafford Northcote, and Gathorne Hardy. Gladstone was meeting Northcote by night at the rooms in St. James's Palace of one of Gladstone's former private secretaries, who held a court appointment, because, as recorded in the *Life, Letters, and Diaries of Sir Stafford Northcote,* Gladstone " was nervous about meeting in the daytime, as so many people watch."

It may be that at this time Gladstone was ready to make any sacrifice to insure the enactment of the bill extending the franchise, which the Lords had rejected at the end of June—the rejection which had brought about the crisis—and that he was unwilling that mending or ending the House of Lords should be permitted to complicate the issue of the franchise and redistribution bills. This is a possible explanation of Gladstone's action. But the result was that the Lords came out of the crisis with colors flying; and these colors might be flying to-day where they were hoisted in 1884 if the Lords had not openly overplayed the game from 1906 to 1909, and so wantonly and egregiously overplayed the game of the territorial class on the Budget of 1909. "The tenderness of the statesmen of that day," said *The Nation,* the leading exponent of Liberalism in the London press, in surveying on August 12th the factors in the downfall of the Lords, "was largely responsible for much of the trouble of the ensuing years." This is undoubtedly true, although tenderness to the Lords was just what was to be expected from the Whigs of the Liberal cabinet of 1880-85.

After the collapse of the agitation of July-October, 1884, the popular idea was that there was an understanding between the governing classes of both political parties, and that as long as this understanding existed, and their remained a potent element of Whiggism in Liberal cabinets, agitations against the Lords were futile, no matter what the issue or how great and continuous the popular demonstrations. This conviction among the rank and file of the Liberals partly accounts for the utter failure of the movement against the House of Lords that was attempted by the National Liberal Federation after the Lords had rejected the Home Rule Bill of 1893. It accounts almost completely for the absence of popular agitation against the House of Lords from 1893 to 1906. The failure of the agitations of 1884 and 1893 apparently convinced the House of Lords—more overwhelmingly Conservative from 1886 to 1906 than at any time since 1832—that do what they might, no popular enthusiasm could be aroused for a second movement for mending or ending, and this attitude was much strengthened during the five years of Tory reaction from 1900 to the end of 1905, five years during which the Lords took their ease, and left everything to the Conservative governments of that period, which were supported by majorities in the House

of Commons unprecedented since the days of the younger Pitt.

If the victory of 1884 was responsible, or even partly responsible, for the aggressive attitude of the House of Lords after the great revival of democracy of 1906, then the tenderness of Gladstone and Hartington and Granville for the Lords at the great crisis over the franchise bill was undoubtedly " responsible for much of the trouble of the ensuing years "—responsible for the trouble which culminated in the partial deprivation of the Lords of their veto power over bills originating in the House of Commons. This attitude of the House of Lords, whether it developed out of the failure of the agitations of 1884 and 1893, or whether it is attributable to other and more recent causes, unquestionably helps to account for the colossal blunder of November, 1909—the most suicidal demonstration of reaction and Bourbonism of which the history of the House of Lords affords an example.

It is at this point where the histories of the crises of 1830-32 and of 1909-11 cease to run on parallel lines. The House of Lords in 1832 was on the defensive. It was defending the political power possessed by the governing class from 1688 to the reform of the representative system in 1832. From causes that are obvious the governing class in this period was in complete and absolute control of the House of Commons, as well as of the House of Lords. It was so completely in control of the Commons that after the constitutional usages relative to the power of each House over money bills had been settled beyond further contention in 1747, on the legislation for Scotland made necessary by the Jacobite rising of 1745, and the settlement had been recognized by the cabinet of the day, of which three-fourths of the members were of the House of Lords, there were no more conflicts between the two Houses until that of 1832. There was no occasion for any, for in this period the governing class controlled both the cabinet, where legislation mostly originated, and the House of Commons. Under these conditions the House of Lords was not even a revising chamber, to say nothing of being of service for the rejection of bills detrimental to the interests of the governing class.

For good or ill, the governing class was in control of the House of Commons from the Revolution of 1688 until this domination was to a limited extent successfully assailed by

the first Reform Act. It needed this power to secure control of the cabinet, and also to obtain the enactment of legislation for the maintenance and advancement of the political, economic, and social interests of the governing class. In this century and a half the governing class came to regard the power it had drawn to itself of nominating more than half the members of the House of Commons as a property right—a right to be held as tenaciously as the title deeds to the great estates of its members. The governing class regarded the government it bestowed on the country, through its control of the cabinet and Parliament, as the best possible kind of government, exercised through the best possible political institutions. Wellington's first declaration in the struggle of 1830-32 for reform was that it would pass the wit of man to devise a better House of Commons than that elected on the then existing system—the system which had been completely warped away from its democratic basis of the thirteenth and fourteenth centuries, first in the interest of the Crown and its control of the House of Commons, and later in that of the governing class.

From the point of view of the governing class all that Wellington claimed for the House of Commons of 1830 was obviously and undeniably true. From this one point of view —as the political, agrarian, economic, industrial, fiscal, ecclesiastical, and social history of England from the reign of William III. to that of Queen Victoria abundantly proves —there was more than adequate ground for the Duke of Wellington's now historic declaration. The governing class, as it was represented in the House of Lords at that period, was thus in 1830-32 fighting, and fighting desperately, for the maintenance of a great political system that had been incorporated in the British constitution at least since 1688. The Tories of the House of Lords of 1830-32 were fighting for a system of much antiquity and of much service to the governing class—a system which this class held to be peculiarly and happily adapted to England, and, next to the Crown, the most precious part of the British constitution. The Lords, in that great crisis, went to defeat in their opposition to a political revolution which within the next eighty years was to prove itself even more momentous than the settlement of the Crown on a constitutional basis in 1688.

The House of Lords in 1910, when the Budget of 1909 was carried, and in 1911, when the Veto Bill was enacted, went

down to defeat on what in this country would be dignified by no more high-sounding description than a tax-dodgers' fight. More discussion of the constitutional aspects of these two questions—the budget and the veto—has appeared in print since November, 1909, than of any other constitutional issues raised in England in the last two hundred years. All this discussion, however, will not serve to disguise the central fact, which is, that had there been no rejection of the Budget the probability is that in this generation there would have been no Veto Act. The chief issue had no higher actuating force than a tax-dodgers' fight. There have been four of these tax-dodgers' fights in Parliament since the French Revolution. In only one was the governing class completely successful. It was worsted in three of them; and in the fourth and last the governing class was not only routed on the question of taxation, but lost much of the power which for a hundred and fifty years it had been accumulating in the House of Lords.

The first of these Parliamentary struggles of the governing class against the taxation of land was in 1796. Then Pitt, sore in need of money for the war with France—confronted with the raising of twenty-seven millions sterling by taxation—proposed that there should be taxes on collateral successions to landed property. The legacy duty—first imposed to raise money for the war with the revolted American colonies—had been in operation since 1780; but it was paid only on personal and not on real property. Pitt's proposal of 1796 was that there should be a tax only on collateral successions. The proposal, small as it was, and exigent as were the financial needs of the government, would for the first time have conceded the principle that all property—real as well as personal—should pay legacy duties. It was opposed by the governing class. Pitt followed the line of least resistance, as was inevitable in the case of a premier who depended on the governing class for his majority in the House of Commons. He abandoned the proposed tax; and to make good the gap in his estimates raised £100,000 by a new duty on hats, £40,000 by a tax on dogs, and imposed new taxes on transport.

There were increases in the rates of legacy duty in 1804, 1805, and again in 1815. But real property was not made liable to these imposts; and it did not become chargeable until Gladstone's great Budget of 1853, by which he re-estab-

lished the income tax, and brought into service the principle as to legacy duties that Pitt had unsuccessfully urged in 1796. The governing class opposed Gladstone in 1853 with nearly as much vehemence as it opposed the Budget of 1909. It denounced Gladstone much as it did Lloyd George; and Morley writes that this Budget of 1853 secured for Gladstone "the lasting resentment of a powerful class." Harcourt's Budget—the Finance Act of 1894—carried the principle of the taxation of landed property much further than Gladstone had done; and again there was bitter and persistent opposition by the governing class.

Conditions for successful opposition to the Budget of 1909 seemed to the Lords more favorable than in either 1853 or 1894. Hence a constitutional power of the House of Lords, in desuetude since at least as far back as 1661, and long deemed as dead as the sovereign's veto on legislation, was revived, and the Budget was rejected. Thus was precipitated a conflict impending since 1832. The rejection of the Budget in itself raised no new constitutional issue. It raised no such issue as that of 1832. It was only a renewal of the fight of the governing class against the taxation of landed property, successful in 1796 and unsuccessful in 1853 and 1894. On that issue, and the much more important and really constitutional issue of the veto power of the House of Lords precipitated by it, there was from the first no hope of success for the governing class. If the Lords had left to the democracy the choice of the ground on which they would fight, they could not have chosen better than the Lords chose for them. It is hard to raise popular sympathy for tax-dodgers. It was a sordid issue on which the Lords unexpectedly and wantonly revived the movement of 1884. There could be no dignity in a struggle forced on the people on an issue so based—in a struggle begun by the Lords to maintain what was left of the old doctrine of the governing class, that its existence was so vitally important to the British nation that the people should make continuous sacrifices for its maintenance and aggrandizement. The Crown in the great crisis of 1911 emerged with infinitely more credit than in 1832, the Lords with infinitely less.

During the long-drawn-out crises of 1909-11, and since the Veto Bill received the Royal Assent, somber doleful, and despairing have been many predictions of the future of the House of Lords. English Toryism, however, as the

records of 1829, 1832, 1846, 1867, 1868, and 1884 testify, is apt at times to be amazingly gloomy and pessimistic. The end of the British Empire is always in sight after a Conservative reverse; and single-chamber rule must inevitably, according to these predictions, bring the British Empire to ruin. Students of British constitutional history familiar with the structure, constitution, procedure, and legislation of the Parliament of Scotland, and with Alison's well-grounded encomium on the great contribution of that remarkable Parliament to the civilization of Scotland when it came into the Union in 1707, are not much afraid of single-chamber legislatures. But the Veto Act does not establish single-chamber rule, or anything approximating to single-chamber rule, at Westminster. There is no ground for the apprehension that the House of Lords will sink into a chamber like the House of Lords in the old Parliament of Ireland, or like the Senate at Ottawa. Power of delay for two sessions in a country where the people are so politically well educated, so politically alert, and on whom party ties are so little binding, is an enormous power.

It is a power that will give a new importance to the House of Lords, and furnish an infinitely larger field of political service for its men of ability and distinction. In my days in the press gallery of the House of Commons it was rarely that more than one member of a reporting corps was told off for duty in the House of Lords, and only about one-fourth as much space in the newspapers was assigned to the Lords as was assigned to the House of Commons. Reporting the Lords was what college boys would describe as a snap. All this will be changed. The Lords will be compelled to find within their chamber a place from which the reporters can hear all that is said. More reporters will be assigned to the Lords, more space be given the Lords in the daily newspapers, because under the new conditions the country will want to know just what is said and done in the Lords on a bill over which the suspensory veto is to be exercised.

Since the printers won in their famous contest with the House of Commons in 1771, and especially since Parliamentary reporting was so finely developed by James Perry, of the old Whig *Morning Chronicle,* in the last twenty years of the eighteenth century, the House of Commons has had an enormously preponderating weight in the forming of public opinion. Henceforward under conditions that must develop

from the working of the Veto act of 1911, the supremacy of the Commons in this important function will be assailed as never before by the Lords; for a new importance must attach, not only to the speeches in the House of Lords on all bills over which the suspensory veto may possibly be exercised, but to the utterances of members of the House of Lords outside of St. Stephen's. While the backwoods peers will, in future, be of less political importance than heretofore, in and out of Parliament—at Westminster and on the platform in the country—there are now offering new and continuous opportunities for the leaders in the House of Lords; in fact, for all those members of the Lords who take their political duties with seriousness, and are disposed to throw themselves as fully into the political life of the country as do the members of the House of Commons who make politics and public life their career.

EDWARD PORRITT.

WHAT OF THE INDIVIDUAL?

BY SAMUEL P. ORTH

I

As I was crossing an open square on my way home from my office some time since, I was attracted to the fringe of a crowd that clustered around an open-air orator expounding his political faith and his social philosophy. It was at a time of tense political excitement, for the city was in the throes of a municipal campaign in which the chief issue was the granting of street railway franchises and, indirectly, the question of municipal ownership.

The man on the box was saying:

"No, sir, gentlemen, I don't believe in letting any private company build street railways. Build 'em yourselves. The streets are yours. Make the robber-barons on the Avenue give you the money to build these lines. Then you can ride on them for nothing.

"I don't believe in court-houses, either. They are only built for lawyers and millionaires. We are spending three million dollars for a new court-house. I would take that money and buy a big farm, so big that all the poor people of this city could move out on it and work there. Then I'd see that they got good wages and worked only eight hours a day. All the products they raised on that farm which they did not need themselves I'd bring to town. And here would I sell them? Not on your life. I'd give them away free to the working-men. Then the prices of potatoes and meat would go down in a hurry."

In this strain the harangue continued, unfolding a new Utopia. It was a significant sight. Here was the crudely fluent, well-voiced orator, the electric lights revealing a face that has seen many privations and that was not a stranger to thought; here he was, surrounded by a throng of well-behaved, earnest listeners, men with dinner-pails on their arms, men in overalls and jumpers, with the honest grime of shop and factory on their hands and faces. They nodded assent or cheered heartily at the radical sentiments of the socialistic candidate. It was no joke, no play-house act. It was the real blood-and-bone, imported, fascinating "social-

ism " that was gripping these workmen and holding them here in the gathering dusk at the close of their day's toil.

My mind went back to my first socialist. Like all the children in our neighborhood, I had been brought up to believe that anarchists and socialists were horned and hoofed. And how surprised I was when, as a student in college, I saw my first socialist! He was a mild-mannered machinist from Chicago, and had come to our quiet college town, not to create a sensation, but to give his point of view of social progress to the economists and social workers who had gathered from many States for a conference. I now recall only one of his remarks. He said, alluding to the comfortable and easy life of college professors, clergymen, and lawyers that he had to work every day in grime and sweat. " And I have only one suit of clothes, the one you see on me, and only one pair of shoes which I must wear every day." I remember thinking that there were a number of us in the room who could qualify for membership in his class.

That was barely fifteen years ago. Then " socialism " was novel in many of our towns, to-day it is universal; then a " socialist " was a curiosity, to-day he is legion, publishing daily papers, organizing political parties, and supporting an active, virile propaganda.

The philosophy of the communist, long despised as heterodox, is not only expounded by the despairing workman groping for a new arrangement of wealth; it has entered the halls of legislation, it has been written into statutes, it has, in dignified contrast to its noisy demeanor in the streets, enthroned itself in the chair of the college professor, robed itself in the gown of the clergy, and is holding receptions in the salons of the most exclusive regions of fashion.

Why? These crowds are seeking a form of group salvation. They are being forced by the stress of city life, by our intense economic forces, into a new attitude of thought and seem willing even to subordinate their individual identity for the good of the whole. The philosophy of the group is so pleasant to contemplate, the theories of group omnipotence are so unctuous, so subtle, they steal into the mind without jar or noise. And they seem to point the way out of individual stress into a blissful all-embracing Nirvana.

And so this propaganda has a real hold on us. It has assumed the shape of municipal ownership, of governmental paternalism, and even of the confiscation of private property.

So that our modern State, bending to the force of this popular movement, is not only soldier, policeman, and judge, but has assumed a marvelous and precocious versatility and is physician, dentist, schoolmaster, bookkeeper, rate-maker, business umpire, chemist, forester, and everything else that a complex and petulant society with a great diversity of wants, foolish and sane, demands.

And it may not be many years before the wild dream of my street orator will come true, and the State will care for us all, nursing us in indolence on the other man's contribution to society!

What is back of this restlessness of the mass, this group commotion? Another group force, the corporation. In economic organization this is the heyday of the corporation. When John Marshall breathed life into that impersonal, artificial creation, the modern trading corporation, wealth was still individual. Since that day invention and science have enabled man to exploit nature, and to-day, although wealth has increased a thousandfold, this wealth is not individual, it is corporate. The group has crowded out the individual.

In its relentless pursuit after dividends the corporation is oblivious to humane obligations. It is a money-making machine operated by pulleys and levers and wheels that are insensible to nerves and human passions. It is the greatest invention of our crafty, thrifty genius, the master contrivance of our mania for money-getting.

Against the corporation the individual has no chance. And so he turns to the group control of his government, therewith to control the factors of production. He simply substitutes *his* group for the group of the capitalist.

In our efforts to remedy the ills of competition and combination, we are assuming the heroic treatment of a national homeopathy; group crushes group.

This colossal movement is the readjustment of life to the changes wrought by Watt and Arkwright and their colaborers when they ushered in the Machine Age. The industrial revolution has made as much difference between the economic society of to-day and that of 1750, as the Appalachian revolution made between the North America of Paleozoic and Mesozoic times. And as our continent was many ages in settling itself to the conditions made by that vast continental uplift, so we are now, after many generations and after having somewhat adjusted ourselves to the

physical demands of machinery, earnestly settling down to an adjustment of thought, of philosophy, and of politics that fits into the new conditions made by steam and electricity and their allies. We are getting over the grosser effects of the shock and are discovering a rearrangement of sentiment and of social obligation. And in this readjustment, where does the individual come in? Is he to be obliterated? Every member of society is at heart an individualist. In spite of the social instincts, every one thinks of himself as a unit. Against the degradation of the unit every soul raises a vehement and natural protest. In this readjustment of society is there danger that between the upper and nether millstones of corporate organization and the socializing State the individual will be ground into the common mass, like grains of wheat pulverized into the shapeless flour?

In this new society what will be the status of the individual? For, after all, that is the important question. By that strange balance Nature has drawn in all her works, we all are at heart at the same time "socialists" and "monopolists." We are "communists" because the species needs to be perpetuated; we are "monopolists" because the instinct of self-preservation is the basis of the species' hope. This delicate blending of altruism and selfism within every normal human heart is the regulator of civilization.

As he views the world, "Everything from without tells the individual that he is nothing, everything from within tells him that he is everything." From without he sees the relentless processes of Nature, the prodigality of life, the universality of death. He sees Nature so wasteful yet so utilitarian, her spaces so endless, her time so measureless, her heavens so changeless, that the little insect man and his puny centuries are nothing. He realizes that extermination follows in the wake of progress, and he shudders, for "everything from without tells the individual that he is nothing." It drives him with fear and trembling into the arms of the horde for protection, for group defense against extermination.

But "everything from within tells him that he is everything." The hope for individual existence is deep-rooted. It is from within the sanctuary of self-consciousness, from "the likest good within the soul," that man's profoundest conviction for individual progression comes. It is this "larger hope" that makes us dread the invasion of our in-

dividual life by the horde. Our desires, passions, ambitions are individual; our faith, our joys, our hopes are personal, however much they may be spent on others.

The normal human being feels that if these profound emotions and convictions are not true, then is the world but a phantom ship, all time a mockery, all space a delusion, all the stately procession of life from the Archean to the present a line of ghosts, and all history the sporting of ghouls. Every normal human being believes absolutely in his individual identity and is eager to punish any encroachment upon it.

Thus he is a "monopolist" seeking his own individual good. The horde becomes a menace to his self-realization. His business, his ambition, is his own affair and no one's else, because his personality is his own for him to defend and to develop. This dual nature of man must always be recognized, and the problem is not the supremacy of one instinct over the other, but the natural co-ordination between the two.

A civilization to survive the stress of time must create individuals. Because the individual has supplied the elements of civilization, science, philosophy, religion, art and literature, invention, exchange, government: that is, market, school, temple, and home. You cannot create an enduring civilization without all of these elements. And all are primarily dependent upon individual effort. Their perfection may be hastened or retarded by the attitude of society, but society cannot create them.

The fountain of life's fine things is personality. A mob never invented a machine, or framed a wholesome statute, or penned a poem, or shaped a cathedral, or discovered a law of nature. Civilization reposes on the efforts of individuals. History proclaims that "individuality is everywhere to be spared as the root of everything good."

And Nature's way of making culture out of crudity has been *via* the individual through struggle and the survival of the fittest. If we believe in progress, then man should be today a better animal, a better thinker, a better individual than ever.

Of course every age must be judged by its dominant ideals. Our ideals are not physical, yet physically our race is not degenerate. The modern athlete compares favorably with the knight of medieval times and the contestant in the ancient

Olympic games. In their requirements of skill, endurance, and agility our athletic games are as severe as any in the past. Modern armies compare favorably with ancient armies in their power of endurance. They carry as heavy accouterments, march as long distances, live on as little food and sleep, and fight as bravely as any in history.

Nor is life any briefer than in former generations. Mythological Methuselahs are exploited even now in the daily press. The vital organs of every species of mammals have an average period of vitality. External conditions change them less than do habits of living. There has been a constant increase of the population of the world. Where families are smaller than formerly, their members are better cared for, and the death rate is very much lower. Even our uses of natural forces have made no puny race of man. We can build greater pyramids than the Pharaohs without muscle enginery and still be the physical superiors of those who dwelt in an age of physical prowess.

In mental progress the method by observation has supplanted the method by speculation, and alert science has taken its place by the side of contemplative philosophy. As a test of mental virility the method of science is not inferior to the method of philosophy, while at the same time it is a far more useful type of mentalization. And whatever else be said of modern man's power of thought, it is true that to-day all knowledge is more generally diffused among the individuals of the race than in any former age. Go where you will, you cannot escape libraries, lectures, and laboratories. And, of course, in inventiveness, in the uniting of mental alertness with manual adeptness, modern man is pre-eminent. For this is the machine age, and the trademark of business is on our brow.

This zeal to make all knowledge practical and universal has invaded the subtle realm of conscience. Modern man is a fanatic about "practical idealism." He is as ardent in his morality as he is in his mentality. This is the meaning of our hospitals, organized charities, penal reforms, international arbitrations, humane societies, and all the thousand other plans devised for proving the increased humanity of man.

So it is reasonable to believe that the species to-day is better off than ever before. Why? Because the fittest has survived the struggle of the years. The fittest horde? No, the fittest individual.

For it is a postulate of the law of survival that a species is developed by emphasizing and perfecting more and more its peculiar specific characteristics. The distinguishing characteristic of the human species is the possession of that subtle, strange, and exquisite combination of potencies which is best known as the personality. Our species is distinguished only by the possession of a singular power, a soul power, that makes *anthropos* different from the anthropoid. It is in the development of the personality, of the human idiosyncrasies of our species, that civilization has reached its present state. And the personality is purely individual in its content. In its virtues do we find the talents that have led society into culture, and in its vices the sin that held it back. The human struggle for culture ceases to be a group struggle. It is a struggle of personalities. From the day of the first rude cave Adam to the present, human evolution has been the development of personality. Civilization is merely the combined culture of the individuals that compose it. Human selection is individual.

Through the law of the survival of the clever, the nimble, the alert, the useful, the good, Nature has brought mankind to the portals of a genuine culture.

II

And now comes the stress of a stormy, intense life that, through the use of natural forces, has made the world small and given us an age of miracles whose daily surprises fail to astonish our jaded nerves. With this wonderful materialization, this bringing of comfort, even luxury, to the humble and of fabulous power to the great, has come an astonishing awakening. Have we helped outdo Nature's emphasis on the survival of the clever by artificial means? Has the beneficence of competition been blighted by human favoritism until its enthroned commercialism is demanding a universal blood tax of the less favored? Has *laissez faire*, long worshiped as the fetish of progress, through overindulgence crowded out self-effort and compelled us to call for State effort as a substitute?

Never before in history were ill-disposed and capable individuals so fortified. The potencies of earth and air and of legislatures at their command, they have succeeded in making money the measure of power, the social standard, and the universal desideratum.

The enginery of this power is the corporation, the little groups of favored ones, of cunning, of daring, of ambitious, of talented ones, matching themselves against one another and against the great group of consumers, of toilers, of dreamers, of the unfavored, of the timid, and the mediocre. Everywhere one turns there is the corporation. The college graduate and the illiterate youth alike strike their heads against this corporate wall as soon as they go out to make a living. The factors of production and distribution have been incorporated. The consumer remains without a charter. The corporation takes the child at its birth, haunts it through life, and at death lays it in a trust-made coffin reposing in a union-made grave. Food, clothing, and shelter, bread and bananas, wool and cotton, lumber and iron, oil and coal, even violets and dramas, are regulated by charters or " gentlemen's agreements."

From this greedy selfishness of a few groups of dominant individuals the mass of men rebel. They believe that the inequalities of life are growing more acute instead of being ameliorated. That every city abounds in individuals with honest purpose, chaste tastes, intellectual ambitions, struggling frantically to make a living, leaving their love of art, learning, travel, and leisure to starve in the deserts of dry commercialism. That multitudes in this revelry of wealth have to content themselves with mere existence. That while the standard of living is rising rapidly, the vast majority of mankind are barely able to keep their eyes and nose above the lifting tide, glad to get a gasp of air and keep the floods from washing them to destruction. All this in spite of earnest individual endeavor, of good ideals, of toil and constant hope.

And so men become " radicals," " insurgents," " socialists," " communists," " hordeists," anything to satisfy their sense of fair play and to help them get even with the man, or group of men, whom they imagine have despoiled them their share. For this is an intensely personal thing, this propaganda for the conservation of Nature's riches for the good of all. Hunger is universal, and food prices are more potent arguments than the postulates of ancient creeds.

The problem is here. It cannot be laughed away, nor can it be legislated away. Whatever lurid form it may take in the imagination of the agitator, to the statesman the problem is this: how far shall the State encroach upon the time-

honored fields that have been left to private endeavor? How much shall individualism yield in this newer co-operation between the group and the unit? It is apparent that individualism must yield its self-centered dominance. The diversified talents of the individuals must be socialized, but not suppressed.

But no amount of surrender will solve the problem. The individual may give up his scepter and the horde may yield its rebellious spirit, but that will not meet the demands of natural justice. The delicate balance of Nature must be maintained, the beautiful adjustment between unit and group.

This balance can be maintained only by natural means. The social machinery that keeps going only by constant tinkering will soon reach the junk-heap. While seeking to protect the mass, the State must leave open the avenues to individual usefulness. Otherwise the remedy will be worse than the disease. And this securing of proper individual recognition is made possible by the help of Nature. Nature has seen to it that a well-organized society is provided with all the necessary conditions for both individual development and wholesome co-operation.

In the realm of government we have long recognized this interrelationship between group and unit. The theory of government, while moving rapidly away from the individualistic status of kingship into the freer notions of rampant democracy, has devoted its machinery and power to the freeing of individuals. In dethroning a king it liberates a multitude. The ancient theory that the individual exists for the State has been reversed; the State now exists for the individual. A careful scrutiny of the work of our government discloses the fact that it is busy principally in doing things for the sake of individuals. The common welfare is encased in the welfare of the unit. Here is recognized practically and with great potency the philosophy of the unity between the welfare of each and of all.

The theory of democracy itself is a practical recognition of this balance of duties, the duties of all toward each and of each toward all. Representative government is a fine demonstration of the success of the proper blending of individualism and communism. Through self-control, the obedience of the minority to the will of the majority, and the respect of the majority for the minority, we have fairly

well worked out this vital interrelation in the realm of politics. There are frequent outbursts of mob anarchy and continued examples of boss, or individual, tyranny, yet, on the whole, the theory of the governmental and legal relations of the individual to the mass and the mass to the individual has been established. And as we become excellent in the fine art of self-control the theory will have unmolested sway.

In the economic realm the practical working out of this dualism will be much more difficult. Because it embraces our daily bread-winning, it touches the institution of private property and encroaches upon the regnant greed, the ruling passion for getting.

But even in economics the outlook is not hopeless. The physical needs of all are so closely intertwined that the natural dominance of the few must be tempered by the demands of the many.

Take, for instance, the development of machine industry. Our very inventiveness that forms the predominant factor in our industrial life emphasizes the individual. For it tends to a minute division of labor and to a degree of specialization that is almost absurd. Every profession is subdivided into many specialists, and every business and every manufacture has its thousand channels for special skill. And this becomes the individual's salvation. For the greater the degree of civilization the greater diversity of talent needed to supply its wants, and of the diversity of talent there is no end. When there are only a few activities in which a man can earn a living, then every man must work according to his need. But when activities are multiplied, when every business needs a hundred experts and every branch of learning a score of specialists, when human wants are so varied that every clime is levied upon to provide for them and the ingenuity of man is taxed to satisfy them, then every man may work according to his aptitudes. This makes the dif ference between drudgery and creation, between sullen and morose acquiescence to cruel conditions and jubilant, radiant, participation in social progress.

This specialization is undoubtedly going to be carried to a far greater degree than at present. For it increases in a direct ratio as we learn to use nature. Every new discovery or invention makes a new specialist necessary, and calls forth the latent talents of a new group of fortunate individuals.

The very machinery, the engines and power-looms and traveling-cranes and automatic presses, that have driven us to endure the despotism of a few vicious individuals thus become a means of insuring a beneficent and happy diversity of talents.

The individualist and the communist can have no quarrel over the basic necessities. Nature has seen to that. Every one needs everybody, though he may not want everybody. But how to harness the potencies of every one for the benefit of himself and of everybody is a question of procedure that will be worked out only after much debating and experimenting, legislating and court decisions. But an equitable method of procedure will be found. The balance will be maintained, for that is Nature's rule.

The State, for instance, can help a long way toward the working out of this problem of co-operation of unit and group, this development of efficient and right-minded individuals, by a proper use of the functions and machinery of public education.

We are deplorably primitive in the results of our public education. The age of the cloisters, of self-righteous aloofness, is preserved within the four walls of the school-house without the fine flavor of sacrifice and of genuine learning. That the world has moved on, that the industrial age has succeeded the age of guilds, that continents have been discovered and a new impetus given to all life, seems somehow to have escaped the somnolent pedagogue. His little book-learning is still the measure of the school's merit. The threadbare generalization that education should lay the foundation for useful citizenship has become an excuse for slipshop generalized work conducted by inadequately prepared teachers, mostly women, without any regard for the needs of society or the aptitudes of the pupil.

Our schools are not training individuals. They treat the unfortunate pupils in the mass, as a dyer treats his cambric by the vatful. Society needs the power of the child, and there are almost as many kinds of power as there are children. But these powers are latent and need to be aroused by the magic of personality. We now leave their discovery to haphazard after the child has left the general school-room.

An earnest start has been made by sincere citizens to compel educators to use the great possibilities of the public schools for the training of useful individuals. A few voca-

tional and special schools have been opened. Some of the States, a few of the cities, have studied the problem of individualized education. By-and-by the State will awaken to the possibilities of training its children into diversified and honorable usefulness. Then a perennial supply of socialized useful individuals will be coming from the re-created public schools.

So every function of society, governmental, social, religious, and economic will ultimately bring its influence to the adjustment of the balance between the individual and the group. It can be no artificial adjustment, it must be a natural co-operation. Society must not be robbed of the incentive to individual effort and reduced to a common and degrading monotony, a listless indolence fed by the State. Nor can it remain the prey of plutocratic greed. People are not to be plundered, nor are they to be plunderers, but to be co-workers.

Samuel P. Orth.

INDUSTRIAL DISEASES

BY PAUL S. PEIRCE

INDUSTRIAL diseases have been defined as "morbid results of occupational activity traceable to specific causes or labor conditions, and followed by more or less extended incapacity for work." They are, of course, by no means a modern phenomenon; of the processes known to us, some of the most injurious are extremely ancient. But scientific and popular attention to such maladies with a view to minimizing or eliminating them is decidedly modern. Professor Ramazzini, of Padua, and some of his seventeenth-century contemporaries raised prophetic voices; but genuine medical interest in industrial diseases can hardly be said to antedate the nineteenth century in Europe, and in this country one of the earliest contributions to the subject appeared in 1879. Anything like general popular or scientific interest in the matter here is largely the growth of the past decade. That that growth has been increasingly rapid there is no room to doubt. The American Association for Labor Legislation specialized on the subject at its last annual meeting; a National Conference on Industrial Diseases has been held in Chicago; an Illinois State special Commission on Occupational Diseases appointed by Governor Deneen recently submitted its report—a unique document in this field of State investigation; the United States Bureau of Labor has issued several valuable monographs on various phases of the subject; in fact, the literature of the subject is bulking fast; and a committee of experts recently memorialized President Taft, urging the necessity of Federal action. But despite all this progress, we still must go to Europe for comprehensive data, for most modern treatises on industrial hygiene, for models of legislative measures of amelioration.

This awakening in Europe and America to the urgency

of the problem of industrial diseases is to be ascribed to a variety of causes. In some measure to changes in the methods and organization of modern industry; to the added physical strain which comes with concentration, specialization, and growth. Still more to a larger knowledge of the causes and treatment of disease, it is a chapter in preventive medicine. And quite as much, to a truer appreciation and appraisal of economic and social values, it is a chapter in the conservation of human resources. But not least of all, to a growing sense of social responsibility for much of human suffering and for the human costs of modern industry, it is, in one aspect, a chapter in the general health movement of our time, and next of kin to the crusade against tuberculosis, infant mortality, hook-worm, and typhoid, and the campaign for a national health department. In another aspect, it is part and parcel of the movement for labor legislation, being intermingled with the programme of child-labor reform, factory legislation, and factory inspection, and standing as the counterpart of measures for the compensation of industrial accidents. And, like all these projects, it reflects an enlarged conception not only of the social function of the physician, but of the protective function of the government itself.

The classification of industrial diseases is not a perfectly simple matter, for the boundaries of the field are at some points indistinct, the number of maladies clearly falling within the field is very great, and the possible bases of classification numerous and clashing. Let us adopt causal conditions as a basis, and in turn take up and illustrate a number of causal groups.

It has long been recognized that exposure to extremes of heat or cold or to sudden changes of temperature predisposes to certain diseases; perhaps equally serious in its consequences is extreme humidity, and doubly menacing are conditions which combine both evils. From the many occupations which involve exposure to such adverse atmospheric conditions we may select three as typical—glass-blowing, cotton spinning and weaving, and pork trimming in packing-houses. For many years glass factories were so poorly constructed as to afford little protection to workmen, who were chilled on one side by icy blasts of winter and scorched on the other by glaring furnaces. Blowers whose bodies were bathed in perspiration stood with cold feet on the bare ground, which was sodden with water splashed thereon when

the pipes were being cooled. In later years construction of factories has been much more satisfactory, and liability to disease has been lessened accordingly. But a new menace has come through the substitution of the " continuous tank furnace " for the old " pot furnace "; this is much larger, and so subjects the worker to greater heat, and it is operated night and day, and the alternation of day and night work reduces the worker's power to resist disease. When to these conditions are added the negligence and lack of precautions of the glass-blowers themselves upon going from a working temperature of 100 degrees to 130 degrees out into the winter's zero atmosphere, it is little wonder that pneumonia, inflammation of lungs and throat, bronchitis, and *la grippe* make up the overwhelming majority of the ills of glass-workers. And to these are to be added an inflammation of the eyes, which leads to progressive dimness of sight, and which is traceable to exposure to the heat and glare of the furnace.

One of the most serious problems in the spinning and weaving departments of a cotton factory is the preservation of the proper relative proportions of heat and humidity. As cotton fibers when too dry are brittle and do not " run " well, artificial humidity is necessary. The finer grades, which require more heat and moisture than the coarser grades, must be drawn, spun, and woven in exceedingly warm and humid atmosphere. At what point abnormal moisture becomes a menace to the worker is an unsettled question. It is believed that much of the danger comes from sudden transition to the normal outer air, and thence perhaps to the still drier atmosphere of the sleeping-quarters, and that these changes make the workers especially susceptible to pulmonary, bronchial, and catarrhal affections. At any rate, it is significant that Massachusetts has enacted that the humidity in such departments shall be determined, recorded, and regulated, and that it shall not exceed certain statutory limits.

As involving exposure to moisture and extreme cold may be cited the trimming-rooms of packing establishments, where, in the words of Miss McDowell,

> " The walls are running with cold sweat and the floor is covered with water, where the temperature is thirty-eight degrees Fahrenheit, colder than an ice-box, and where girls who trim the pork for the sausage must work ten hours a day."

Certain occupations associated with loud noises produce permanent injury to the ear. These are chiefly those of locomotive firemen and engineers, boiler-makers, bridge-builders, ship-builders, and other structural iron and steel workers, artillerymen, and weavers. Boys frequently lose their hearing while they are yet apprentices to boiler-makers and riveters; and the extent of impairment of hearing in these various trades is surprisingly great. Such deafness constitutes a serious handicap for engineers and firemen, and a great inconvenience, if a less serious handicap, to other workers.

Caisson disease is the most notable example of diseases of occupations involving abnormal air pressure. It occurs in such occupations as diving, tunnel and bridge construction, and occasionally the erection of buildings. Men who dig deep into the bed of a river or bay to build supports for bridges do their work in iron cylinders, or caissons, into which compressed air is forced in sufficient volume to prevent caving while the work of construction is in progress, and to keep the water from running in at the bottom while dirt is dug up and carried to the top. This means an increase of atmospheric pressure from the normal fifteen pounds to two or three times that amount. The mere compression does not usually have serious effects upon the normal individual; indeed, it seems to bring a feeling of exhilaration. Like some of the rest of us, the "sand hog," as the caisson-worker is called, works best under pressure. But decompression, or return to normal pressure, is far more important. Almost all cases of disease originate in too rapid reduction of pressure, and symptoms develop after normal pressure is reached. The most common phenomena are severe pains in the limbs, called the "bends"; vertigo, known as the "staggers"; and more rarely dyspnea, or the "chokes," which may be accompanied by rushing of blood from eyes, ears, and nose; sometimes paralysis of lower limbs and other serious nervous disturbances which may prove permanent. Before modern precautions became general, death after emergence from caissons was a frequent occurrence. When the Eads Bridge was built at St. Louis 600 men were employed in sinking foundations, and of these 110 suffered from this disease, and 14 died. As to the prevalence of the disease to-day, no statistics are available; but the Illinois Commission traced nearly 150 cases known to

have occurred in that State within the last twenty years, some of which resulted in complete recovery and others in permanent disability.

Authorities are agreed as to certain precautions necessary to minimize the dangers from compressed-air work. Among them are medical inspection to determine the physical fitness of men for this hazard; regulation of the length of shift and of the time for decompression; keeping the air warm in the lock during decompression; a warm place for changing clothes after coming out of the lock; abundant supply of air in the caisson; and a hospital lock for recompression in case of attack. Provisions for such safeguards have been embodied in the laws of New York State and of various foreign countries, and are recommended by the Illinois Commission.

Certain diseases are associated more or less closely with occupations involving constrained attitudes or over-exercise of certain parts of the body. Such occupations were not all ushered in by the industrial revolution. Indeed, with the new order some of the occasion for the old constraint has passed away. But it is hard to believe that, on the whole, constraint of position has not grown more serious with the increasingly minute subdivision of labor, with the narrowing of the toiler's day to an infinite repetition of one or two simple movements, and with the harnessing of the worker to the machine. In this connection one is reminded of the locomotive fireman who, upon being asked how many times he bent his back during his daily run, replied, "Just once"; the rest of the story is in the vital statistics of his order. Coal-miners are subject to a disease of the eyes called nystagmus, whose most striking characteristics is a rotary movement of the eyeballs, varying in rapidity from 60 to 350 movements per minute. This disorder is directly traceable to the constrained position assumed by miners in "holing" the seam at the coal face.

"A man sits with his legs crooked up, lying almost on his side, and strikes the coal with a horizontal swing of the pick. His eyes follow the pick point, but the tendency is to gaze upward more or less obliquely. His head is thrown back and flexed more or less on the shoulder beneath."

The reason for assuming this unnatural position is to get the coal out in larger pieces, because miners have frequently been paid only for coal which would pass over a screen of a certain size. Nystagmus is now said to be rare,

and for two reasons: First, the substitution of machine mining for picking mining; and, second, the enactment of gross-weight laws requiring mine owners to pay for the entire quantity mined, not simply for the larger lumps—an interesting illustration of what improved processes and enlightened legislation may do, even unwittingly, to ameliorate conditions making for industrial disease.

Certain diseases are associated with occupations involving exposure to industrial poisons—*i.e.*, to substances which endanger by chemical processes the working capacity of the laborer. Such substances may enter the body through the mouth and digestive system, through the respiratory system, or through the skin. The extent of the danger from industrial poisons has not been accurately determined in any country, but the International Association for Labor Legislation has published a list of some thirty or forty substances, giving the characteristics of each, the industries in which they are prepared or used, the mode of entrance to the body, and the symptoms of poisoning in each case. Among the first to receive thorough investigation in this country and in Europe were phosphorus poisoning and lead poisoning.

Phosphorus poisoning is pre-eminently the menace of the American parlor-match industry. The head of the ordinary parlor match is made by dipping one end of the wooden splint into a paste containing a small per cent. of white (or yellow) phosphorus, a deadly poison. All who have to do with mixing this paste, dipping the splints, or drying and packing the matches, are exposed more or less to its dangers. Unless ventilation is good, and unless extraordinary precautions are taken with respect to factory and personal hygiene, fumes or particles of the phosphorus are likely to enter the body. The evil effects of such poisoning are in general anemia, lowered vitality, and predisposition to other diseases, and in some cases "phossy jaw" (phosphorus necrosis), a disease caused by absorbing phosphorus through the teeth or gums. Minute particles enter perhaps through cavities in the teeth, an irritation is set up which extends to the jaw, the teeth may loosen and drop out, the jaw decompose, and the disease communicate itself to the whole system. When once established, only a serious surgical operation, perhaps the removal of the jaw-bones, can arrest the progress of decay. It is to such a loathsome

affliction that sixty-five per cent. of all workers in American match factories are liable; and among women and children employed in such establishments the percentage is far higher. and the pity of it is that such suffering should continue when it is preventable through the substitution of harmless phosphorus, and that the United States should continue to exact this toll when almost all civilized nations have already forbidden the use of white phosphorus! The substitute is slightly more expensive, and until recently has been controlled through patent by a well-known company. But that company was induced to cancel the patent some months ago, so that the harmless process is now available to the whole match industry. A bill was also introduced in Congress providing for the taxing of white phosphorus so heavily as to render its use uneconomical, but the passage of this measure, so urgently needed, is one of the many things the last session of the Sixty-first Congress failed to accomplish.

Lead poisoning was made the chief objective of the Illinois Commission on Occupational Diseases. They discovered in that State twenty-eight industries in which this form of poisoning is a factor; but the great majority of cases were chargeable to five industries, *viz.*, white-lead manufacturing, lead smelting and refining, making storage batteries, making dry colors and paints, and the painters' trade. The last was found to be numerically the most important lead trade in the State of Illinois, employing probably 30,000 men. Its workers acquire lead poison for the most part through chewing lead-smeared tobacco, eating lead-smeared food, breathing dry lead dust, mixing dry white or yellow lead with putty or paint, and especially sand-papering coats of lead paint after they are dry. The hazard of this occupation might be greatly diminished, it is believed, by greater care on the part of painters, by provision of warm rooms in which they may wash their hands, change their clothes, and eat their lunches, as in Germany; by abolishing the use of white-lead paint, as in France, or by using it only for exterior work, and by doing away with *dry* sand-papering of lead paint, as in England. Indeed, it is contended that the lead trades in general are more dangerous here than in England or Germany. Their evils, it is true, tend to lessen with the substitution of machinery for hand work and with other alleviation of conditions; but the improvements in the

care of the men do not keep pace with improvements in mechanical processes.

The importance of dust as a factor in occupation mortality has been emphasized by all writers since the days of Ramazzini. In fact, so strongly has it impressed them that they have singled out a large and growing number of employments for separate treatment under the caption "Dusty Trades." The reason for this is obvious when the insanitary possibilities of dust-laden air are considered. Not only may the dust be laden with poisonous particles, but it may bear the germs of infectious diseases—some peculiar to the human family, and others, like anthrax, transmissible from animals to men. These germs are the chief hazard of rag-sorting, wool-sorting, hide-handling, hair and brush manufacturing, and a score or more of related trades. But quite apart from its infective or poisonous character, industrial dust is injurious because of its mechanical properties. It impairs the lungs and the delicate membranes of the air passages, and goes far to explain the abnormal consumption death rate among workers in the dusty trades.

"The destructive influence varies according to the amount of dust, the kind of dust, the constancy of its presence, the susceptibility of the individual, and the methods employed to protect the individual against the entrance of the dust into the human organism."

The mechanical effects of organic dusts such as prevail in milling, tobacco and snuff manufacturing, textile industries, and comb and button factories are regarded as less injurious than the mineral and metallic dusts. Stone and marble cutters, glass-cutters, diamond-cutters, potters, cement-workers, plasterers, molders, and others exposed to mineral dusts show abnormally high death rates, especially from respiratory diseases, that from consumption being about five times as high among stone and marble cutters as among farmers and farm laborers. Still more serious is the exposure to metallic dusts which characterizes the work of metal-grinders, polishers, tool and instrument makers, brass-workers, jewelry-workers, printers, and engravers, and so on. Conspicuous above the rest as a sufferer from metallic dust is the grinder of tools, and especially the grinder of such small objects as forks and needles, who employs the dry method and who, because of the smallness of the objects, leans close over the stone, and so inhales much dust.

The extent of industrial diseases in the United States is

as yet quite an unknown quantity, and the possibilities of their prevention we are only beginning to appreciate. The whole subject is comparatively new here. The serious effects generally observed have been looked upon as inevitable incidents of indispensable industrial processes. Many employments have never been made the subject of proper inquiry. And all attempts at competent investigation have been hampered by lack of satisfactory standards of industrial life and health and adaptability to trades; by the absence of sickness statistics such as are furnished by the government insurance institutions of continental Europe, and by the annoying limitations of our mortality statistics. In the first place, only the immediate occasion of death is given, and no light is thrown upon predisposing causes. For example, lead absorbed into the system compasses the death of a painter, but the death certificate is probably returned not as industrial poisoning, but under some more general title denoting the fatal cause. Industrial dust predisposes to tuberculosis, but mortality statistics make no distinction between industrial lung diseases and those attributable to other causes. Moreover, mortality statistics are given by industries, not by specific employments within an industry. Now some employments within an industry are much more wholesome than others; and the student of industrial diseases is primarily interested, not in the mortality statistics of the glass industry as a whole, for instance, but in the mortality statistics of glass-blowers, clay-grinders, melters, and other specific employments within that industry. In the third place, statistics are often misleading because of the shifting of workers from one industry to another; for example, a worker in a white-lead factory shows signs of poisoning and is advised to quit the employment; his death results from lead work, but statistics will charge it to some other occupation.

In the absence of adequate statistics and research, the actual amount of sickness and death among the industrial population must be a matter of "scientific conjecture." With German sickness insurance experience as a basis, Dr. F. L. Hoffman, of the Prudential Insurance Company, has attempted an estimate of the amount and cost of sickness among our industrial workers in 1910. Placing the number of persons gainfully employed at 33,500,000, and assuming the same sickness rate as is found in Germany, he finds

that the number of cases of sickness among these workers last year must have been 13,400,000, the aggregate number of days of sickness 284,750,000; the loss of wages not less than $366,107,145; the medical cost $284,750,000, the loss through change of workers in industry on account of sickness $122,035,715, making a total economic loss among the industrial classes of $772,892,860 for the year. Of this total, German experience indicates that no less than one-fourth is due to strictly preventable causes, a needless waste of $193,223,215. In fact, it is thought that the sickness rate here is somewhat higher than in Germany, and consequently that the above estimates are too low. Moreover, these figures take no account of permanent invalidity and excessive mortality involved in present industrial conditions; and Dr. Hoffman places the number of deaths among American wage-earners last year at 330,500, of which no less than one-fourth were clearly preventable. Nor do any of these figures take account of the handicap which industrial disease and premature death imposes upon the posterity of the worker.

How shall this immeasurable waste be checked? How shall our law, our science, and our humanity be brought to bear effectively upon this great problem in conservation of human resources? In their memorial to President Taft, the committee of the National Conference on Industrial Diseases urged three steps on the part of the Federal Government: First, the appointment of a national commission of inquiry, constituted of Senators, Congressmen, and experts in preventive medicine, medical practice, sanitary engineering, industrial chemistry, and applied statistics, and charged with the comprehensive investigation of the whole subject of occupational diseases; second, the establishment of a national institute of industrial hygiene equipped for research into the causes and treatment of factory diseases and designed to carry out proposals of the national commission, publish results, and give encouragement to the pursuit of industrial medicine as a distinct profession; third, the creation of a national welfare institute for the improvement of labor conditions, including a "museum of safety devices whereby the calamities of industrial life may be lessened and the ravages of industrial disease diminished."

This threefold national programme is confessedly ambitious, and its full realization must await development of sentiment. It may have to await the organization of a na-

tional health department. And meanwhile the national government is called upon to adopt such unambitious measures of amelioration as the taxing of white phosphorus out of the match industry—measures whose success is pre-assured if they can be brought within the scope of the Federal functions of taxation and trade regulation. But under our dual constitutional system we must still rely for the most part upon the individual States for action in the interests of industrial health. In the progress of general labor legislation is our first hope—in factory codes which provide more and more perfectly for lighting, ventilation, dust removal, personal and shop cleanliness, and efficient inspection. The medical inspector of factories who has appeared and found status in Massachusetts and a few other States should be a conspicuous member of the staff of inspectors in every State in the Union; for, in the words of Dr. W. C. Hanson,

> "Medical men alone are in a position to make the best use of facts obtained concerning the sanitary conditions of the premises where men and women work; to study the possible injurious effects of certain processes upon the health of the person engaged therein; to inspect devices designed to protect the employees against injurious and dangerous substances, as well as to detect pathological signs or symptoms of certain poisons and dusts and fumes incident to some occupations; to inquire as to the health of the employees; to make physical examination of minors, and, whenever possible, of adults, engaged in trades deemed to be injurious to health; and to collect and make proper use of all facts and data, including morbidity and mortality statistics pertaining to occupational hygiene."

Experts have also urged that special clinics be established for the study of industrial disease; that medical practitioners be required to report to the State factory inspector all cases of industrial diseases, as they are now required to report to the health authorities communicable diseases like scarlet fever and diphtheria; that employers in certain industries be required to employ (as many now do voluntarily) approved physicians who shall examine workers at stated intervals with especial reference to symptoms of diseases to which the trade renders them especially liable, and that employers be obliged to keep a careful record and report by causes and occupations all cases of industrial injuries so discovered. The pioneer work of the Illinois Commission on Occupational Diseases will no doubt stimulate similar and more comprehensive investigations in that and

other States. It is to agencies such as these—to commissions, clinics, medical inspectors, and compulsory examinations and reports—and to the wide-spread publicity of their findings, that we must look for guidance toward the prevention of unnecessary industrial disease.

But, like industrial accidents, these diseases, in as far as they are not prevented, raise grave questions of liability and compensation. Indeed, not only do the two closely parallel each other, but industrial diseases shade off imperceptibly into industrial accidents. There is no sharp line of demarcation, nor is there any fundamental difference in the basis of industrial responsibility, except that the cause of the disease may be more obscure than that of the accident. When England passed her workmen's compensation act of 1906 she included in her classification six industrial diseases; the list has since been extended to twenty-seven. In other European countries the principle is now firmly established that a workman is entitled to compensation if incapacitated by a disease contracted in his trade and due to his employment, exactly in the same way as if he had been disabled by an accident. Our own States must find this the inevitable conclusion as soon as they have become committed to the principle and policy of workmen's compensation.

It is clear that with a programme of inaction we must not be content. We may not expect occupational immunity from disease, but we should set before us as a goal a minimum of hazard and hardship to the worker and a minimum of waste of human resources. Our watchword should be the *facts* and their *publicity,* to the end that industrial diseases may be prevented so far as possible and equitably compensated when not prevented.

Paul S. Peirce.

ASPECTS OF PUBLIC OWNERSHIP

BY SYDNEY BROOKS

III

One of the arguments on which the advocates of public ownership invariably lay great stress is the ability of municipalities to raise money on easier terms than private corporations. This gives them, it is said, an advantage which no ordinary joint-stock undertaking can hope to compete with, an advantage, moreover, which from the standpoint of the public is indefinitely increased by the fact that the local authorities, unlike private traders, seek no profits from their enterprises and devote whatever surplus they earn either to reducing the charges for their services to cost price or else to relieving the general burden of taxation. The ordinary storekeeper or householder, supplied with electric light by a company that is altogether in private hands, has to pay not only the cost of production, but also interest on the capital, and if, as is frequently the case, the company is overcapitalized, his bills are proportionately higher. A public convenience which might fairly be called a public necessity is thus converted into a source of private gain, and there is always a danger that the interests of the general body of consumers may be subordinated to the desire of the stockholders in the corporation for larger dividends. Both these undesirable results, it is contended, are obviated when the city itself takes the ownership and management of the public utilities into its own hands. For in the first place the municipal authorities, having a lively fear of the ratepayers before their eyes, and well aware of the unpopularity that follows hard on any increase of local taxation, are never tempted to raise by loan more money than they actually need. They have from the start an incentive to carefulness and economy that is lacking or, at any rate, largely inoperative in the case of the promoters of private enter-

prises. If the United States Government, for instance, had decided to take over the steel industry of the country, no one can doubt that it would have carried out its purpose at less expense, and have amalgamated the various plants into an undertaking with a very much smaller capital, than the Steel Corporation. In the same way if the question were to arise of providing a city *de novo* with a complete transportation system, the extreme probability would be that the municipality, owing to its freedom from entangling financial alliances and to the restraining power of a public opinion speaking in the name of taxpayers who were also voters, would be considerably more modest in its monetary demands and requirements than a syndicate of private contractors.

From the temptation, therefore, to overcapitalize its undertakings—a temptation which has never been succumbed to by corporations engaged in the supply of public services without disastrous results—a municipality, it is urged, is virtually free. Another and not less valuable asset it possesses is its power to procure such capital as it needs more cheaply than even the soundest and most prosperous of commercial companies. A municipality can always underbid its rivals in the money-market, if only for the reason that it is able at all times to pledge the general property of the citizens for whatever enterprise, however speculative, it is contemplating. A man of ordinary sense, looking for a permanent investment, will not put his money into any enterprise that he considers risky. But in the case of municipalities appealing for more capital to prosecute certain undertakings the element of risk is well-nigh eliminated. The reason is that the security offered has no relation to the merits or demerits of any particular project, but is based on the credit of the community as a whole. One of the most significant phenomena on the London Stock Exchange during the past decade has been the popularity and stability of the issues floated by the London County Council, in spite of an amount of abusive criticism of the Council's acts and policy, of many ill-starred ventures, and of a general and growing suspicion of extravagance that would have hopelessly ruined the credit of any private concern. When a local authority raises capital, the average investor does not stop to consider the probabilities of the specific scheme for which the money is needed succeeding or failing, nor does he allow himself to be influenced by any prepossessions

for or against the principle of public ownership or municipal trading. What he looks at, and what alone he looks at, is the broad and sufficient fact that the total wealth of the community is offered to him as a guarantee that the interest on his investment will be punctually paid; and that is a guarantee of such overwhelming potency as to make all fears of bankruptcy seem ludicrous and all objections to this or that form of municipal enterprise irrelevant.

But not only, say the advocates of public ownership, are local authorities more scrupulous in raising only so much capital as they actually need, not only can they raise it more cheaply, but they have this further advantage over private corporations, that whatever profits accrue from their undertakings are secured directly or indirectly by the public. As to the form in which these profits should be made available —whether by a reduction in the cost of the particular services which yield them or by contributing them to the general relief of local taxation—there have always been differences both of practice and of opinion. But all who favor municipalization are at one in regarding it as the very keystone of their case and as the highest proof of the superiority of communal over individual enterprise that under the former system the financial returns resulting from any given public utility become the property of the public instead of disappearing into private pockets. At the same time, they insist that prices, profits, and the ordinary tests of commercialism are frequently altogether misleading and inapplicable as criteria of the full value of municipal industry. Cheapness and a balance on the right side, they remind us, are not everything, and it may be perfectly right and enormously to the advantage of the community that the local authority should engage in enterprises from which nothing in the shape of a financial profit is to be looked for. No municipality probably could collect dust and ashes and garbage at as low a cost as a private contractor; yet in the interests of health and sanitation no one can question that this function should be undertaken by a body of well-paid men in the direct employ of the City Council, even though their employment was a permanent drain on the local treasury. In this, as in so many other cases of municipal trading—sewage work, roads, baths, cemeteries, markets, and water-works, for instance—what is, or may be, a direct financial loss is more than made good by the increased comfort, health, and

convenience of the citizens as a whole. It is not, therefore, wholly a paradox for any one to maintain, as Mr. George Bernard Shaw maintains, that "the desirability of municipal trading is actually in inverse ratio to its commercial profitableness." Take, he argues, the most popular branch of commercial enterprise: the drink traffic. It yields high profits. Take the most obvious and unchallenged branch of public enterprise: the making of roads. It is not commercially profitable at all. But suppose the drink trade were debited with what it costs in disablement, inefficiency, illness, and crime, with all their depressing effects on industrial productivity, and with their direct cost in doctors, policemen, prisons, etc.! Suppose at the same time the municipal highways and bridges account were credited with the value of the time and wear and tear saved by them! It would at once appear that the roads and bridges pay for themselves many times over while the pleasures of drunkenness are costly beyond all reason. Consequently a municipalized drink traffic which should check drinking at the point of excess would be a much better bargain for the ratepayers than the present system, even if the profits made at present by brewers and publicans were changed to losses made up by subsidies from the rates.

This is an argument the force of which must be acknowledged by every candid mind. It helps to illustrate the difficulty, one might even say the absurdity, of drawing any hard-and-fast, mainly financial, comparisons between communal and private enterprise; it helps to justify the contention that profits and expenses are not the only, or even the chief, standard by which municipal activities are to be judged; and it helps also to confirm the soundness of the attitude for which I pleaded in the first article of this series —the attitude of approaching each case on its merits, of holding fast to a flexible expediency, and of refusing to consider the problems of public ownership from any rigidly dogmatic standpoint. One must always take into account the deferred and invisible benefits of municipal enterprise; one must always remember that while it would never pay a corporation to lose money on a given undertaking, it might easily pay a community; one must bear in mind that there are trades and businesses, like the railroads, docks, telephones, and telegraphs, of such supreme importance to the general welfare that it would be profitable for a public authority to

operate them even at a loss rather than see them withdrawn from the service of the people. And it is equally important to keep in view some of the other and less obvious characteristics that differentiate private from public industries. In the former the main object is financial profit; in the latter it is social benefit. A corporation furnishing a city with one of its public utilities, even if it does not think exclusively of its stockholders, is at least conscious of a divided allegiance, will rarely extend its operations unless it sees a fair prospect of financial returns, and is apt when framing its policy to consider in the first place the purchasing power of the people it serves and their real needs—which are often greatest where their purchasing power is least—afterward. A municipality, on the other hand, supplying itself with the same public utility, is more likely to reverse this order of interests and to sacrifice a percentage of profit, or even to operate an undertaking at a loss, for the sake of a wider diffusion of public benefits. Thus when the same or virtually the same profit is to be had by furnishing a restricted service at a high cost and a greatly expanded service at a lower cost, the instinct of the corporation would be to prefer the former arrangement as involving less trouble, while the instinct of the municipality would be to prefer the latter arrangement, as involving greater advantages to the community. Thus, too, the real argument in favor of municipal water-works is not that the supply of water to a community must in the nature of things be an absolute monopoly, nor is it that water is a commodity whose price it is impossible to regulate beforehand; the real argument is that a private company, selling water by quantity, tends to restrict the public use of it and thus militates against the health and cleanliness of the community as a whole, and of the poor in particular. Thus, again, it is entirely creditable for an electric-lighting company to pay, if it can, dividends of ten per cent.; but a municipality that showed any such profits on its electric-lighting plant would rightly be judged guilty of something like a fraud upon its customers and would be assailed with an instantaneous demand for a reduction in the cost of its service. Moreover, to illustrate still further the difference between communal and corporation enterprise, it must not be left out of sight that a commercial company is not responsible for the laborers it employs apart from the terms and conditions of their work, whereas a munici-

pality stands in a constant relation to the men in its service before, during, and after the period of their engagement. It is the relationship not only of employer to employee, but of the city to the citizen; and the latter aspect is bound to react upon the former. That is to say, a municipality which provides workhouses, infirmaries, hospitals, prisons, casual wards, and so on at the public expense will find it a remunerative policy to pay its employees a sufficient wage to keep them out of these institutions, whereas an ordinary commercial company, especially one that employs casual workmen on a large scale, actually depends upon these rate-supported philanthropies to furnish it with an unfailing reserve of cheap and easily sweated labor. It is thus in the interest of the municipality to pay the higher wage and in the interest of the corporation to pay the lower one, the former being financially concerned to prevent as many people as possible from becoming public charges, while the concern of the latter may be, and often is, in precisely the opposite direction—as any one may see who has studied the economics of a dock-yard. From which it follows that while the private ownership and operation of a public utility may be a financial success, it may also be a source of social harm and impoverishment, and that a municipality, while apparently losing money by its management of a given enterprise, may really be getting a bigger and better return in other directions.

These arguments, illustrations, and reflections may be found set forth with admirable clarity in Mr. George Bernard Shaw's volume, *The Common Sense of Municipal Trading;* and however much they may be disputed or may be offset by counter-considerations, they at least serve to indicate the barriers in the way of a mere ledger and day-book comparison between the results of municipal and private operation and to explain why it is that the supporters of public ownership as a policy so fiercely resist the demand that is constantly being pressed upon them to submit their undertakings to the ordinary form of commercial audit. Mr. Shaw hammers home the point by imagining two cities. In the first the poor rates, police rates, and sanitary rates are very low, and the children in the schools flourishing and of full weight, whilst all the public services of the city are municipalized and conducted without a farthing of profit or even with occasional deficits made up out of the rates. In

the second city all the public services are in the hands of flourishing joint-stock companies paying from seven to twenty-one per cent.; the workhouses, the prisons, the hospitals, the sanitary inspectors, the disinfectors and strippers and cleansers are all as busy as the joint-stock companies, whilst the schools are full of rickety children. According to the commercial test, the second town would be a triumphant proof of the prosperity brought by private enterprise, and the first a dreadful example of the bankruptcy of municipal trade. But which town would wise men rather pay rates in? "In the very cases where municipal trading is most profitable to the ratepayers, its departmental expenses are and ought to be greater and its surpluses, if any, are and ought to be less than those of a private firm doing the same work—nay, when the municipality undertakes at a heavy departmental loss work that has previously been carried on by commercial contractors at a tempting commercial profit, the ratepayers are probably saving more by this apparently bad bargain than by the municipal gas-works and tram-lines which not only do not cost them a farthing out of pocket, but actually contribute hard cash to the rates as well."

The advocates of public ownership have, therefore, two sets of arguments to buttress their policy. The first is that it pays; the second is that it doesn't matter if it doesn't pay. On the one hand, they maintain that the entrance of local authorities into the industrial field has resulted not only in a lowering of the cost and an improvement in the quality of the public services supplied, but also in the creation of a valuable source of communal revenue from which the burden of taxation has been and can be relieved. And, on the other hand, they argue that where a given municipal enterprise shows a loss, the loss is rather apparent than real and is more than made good by the "social reactions" of the utilities provided, by the increased comfort or orderliness or health or general convenience of the community as a whole, by the added pride and interest of the citizens in their civic life, and by the beneficent example in such matters as wages and hours of work set by the local authority in its capacity as an employer of labor on a large scale. Of these two sets of arguments the second is one that to a certain extent every man must agree with. That is to say, experience and common sense have alike shown that there are cer-

tain public services of so exceptional a character that their ownership and operation are better in municipal than in private hands and that the value of these services to the community cannot be assessed in dollars and cents. No one asks whether the sewage system, for instance, or the police force "pays." People see the necessity of tolerating a direct financial loss on these and other institutions and enterprises for the sake of greater derivative gains. But between the acceptance of that much of the argument of the advocates of public ownership and the adoption of their entire case there is a wide difference. There is a wide difference in theory and there is a still wider difference in practice. And here I must again insist that it is by practice, by the actual application of principles and theories, that the desirability or otherwise of municipalizing a specific public utility is to be judged. Neither the friends nor the opponents of public ownership are able to carry out their *a priori* views to their logical conclusion; and to draw up a concise code of abstract principles that would at once permit municipalities to own water-works and yet forbid them to own a street-car service, allow them to maintain bands in the public parks and yet veto the municipal manufacture of musical instruments, sanction municipal cemeteries and yet prohibit municipal coffins and gravestones, would be well-nigh impossible. Later on I shall endeavor to draw a rough-and-ready line between the utilities that may be publicly owned and operated with advantage and those that may not. But the starting-point of any such attempt must be the recognition of the fact that each case should be decided on its merits, that the argument from one utility to another and from one city or country to another is full of pitfalls, and that the determining factors are at least as much technical and political as they are social or economic.

Meanwhile I return to the point with which this article began—the contention, namely, of the advocates of public ownership that a municipality by its command of cheap and practically unlimited capital combined with an indifference to dividends is able to make a better commercial success, as well as a better "social" success, of its undertakings than an ordinary corporation. Although the directors of a joint-stock company pay no dividends on their capital until they have earned them, while a municipality must pay interest on its loans from the moment of their flotation; and al-

though in addition a municipality, in Great Britain at any rate, is required to set aside an annual sum toward the extinction of its indebtedness, nevertheless the supporters of public ownership maintain that a utility of the profit-yielding kind, such as street-cars, gas-works, and an electric-lighting system, can be conducted more efficiently and economically by a local authority than by a corporation. They argue that it is just as easy for a mob of ratepayers to run a business as for a mob of shareholders to run a railroad; that in each case the main question is simply that of hiring the requisite ability; and that in the competition to secure expert and enterprising managers municipalities have a positive advantage, because, though they do not offer the glittering prizes that a corporation can afford to hold out, yet they provide a greater security of tenure, they never become bankrupt and are never driven out of business, they are exempt from the accidents of ordinary commercial life, and they open out to the right man a career of steady promotion and public usefulness, a career of such attractiveness that, at least in England, it is the rarest possible thing for a man to forsake it in order to enter the service of a private company. These advantages—which, it is important to note, are peculiar to Great Britain alone and do not obtain in the United States, where an ambitious man finds far greater scope for his talents in corporation than in municipal employment, where the steady, unexciting, almost unvarying career has few attractions, and where the spoils system is in perpetual conflict with that security of tenure which is the indispensable foundation of municipal efficiency—coupled with the advantages already touched upon in the matter of raising capital, enable local authorities, it is claimed, or at all events British local authorities, to manage an industrial undertaking as successfully as, if not more successfully than, a joint-stock corporation.

This is a claim which, for reasons that will afterward appear, it is extremely difficult to bring to a direct and sure statistical test. But there are certain general considerations which serve to establish a strong *a priori* case against it, and to show that, as a rule and when judged by commercial standards, private management must always be superior to public management. In the first place a board of corporation directors is—or perhaps it would be safer to say, can be and should be—freely chosen from among the men who

know most about, and are most interested in, and in the best position for insuring, the success of the undertaking in which they are engaged. But a municipality that has taken over the management, let us say, of an electric-lighting plant has no such unlimited area of ability to select from. It is forced to work with the material provided by the electorate in the shape of a body of councilors; and these councilors, generally speaking, to be elected at all, have to reside in the district they represent, are voted for by their constituents without the slightest reference to or knowledge of their business capacities, and owe their seats in a few cases to an honorable desire to be of public use, but in most cases to politics, the dictates of a boss, the hope of personal profit, the ambition to feel themselves, even in the slightest degree, men of consequence and power, and to a hundred other motives which, without being discreditable, have no necessary connection with their competency to conduct a strictly business enterprise. Among these councilors a certain number are allotted, again without any consideration being paid to their knowledge of the problems before them, to the Electric Lighting Committee. The committee is neither an expert body nor has it plenary powers; its recommendations and reports have to be ratified by the council as a whole before they become operative, and in this process of referring backwards and forwards points that a board of directors can settle on the spot there is an inevitable sacrifice of business efficiency and despatch. The councilors who sit on the committee and who form the managing body of the municipal electric-lighting plant have no personal and pecuniary interest in its successful administration; hardly one of them would dream of attending to it with the same carefulness and assiduity as to his private affairs; all are naturally anxious about their seats; and all are pulled in directions that have nothing to do with business considerations by the knowledge that the people to whom they supply electric light are also the voters to whom they owe their election. And this knowledge is apt to influence them, often no doubt unconsciously, in many undesirable ways. Thus it may induce them to pay their expert advisers and managers and their permanent officials inadequately because democracy suspects large salaries. It may induce them to find jobs for their constituents, to overstaff the lower ranks of municipal employees, and to vote far higher than ordi-

nary competitive wages to the laborers in their service. It may induce them to bid for a passing popularity by reducing the cost of electric light below the margin of profit or by handing over the surplus earnings to "the relief of taxation" instead of improving the plant or making proper provision for depreciation. Wherever, indeed, you find a popularly elected body chosen to discharge administrative functions and discharging instead the functions of a trader, the presumption is strong that in the latter capacity its showing will compare unfavorably in cost, initiative, singleness of purpose, and efficiency with the showing made by private corporations. And this presumption—which, after all, has its roots in the elementary facts of human nature and of modern political conditions—is strengthened when one remembers that councilors in ultra-democratic communities, like the United States especially, enjoy little security for their seats and are apt to be rejected by their constituents just when they have begun to gather some experience in the management of municipal trading; that they are constantly exposed to forms of political pressure that make it almost impossible for them to judge business problems in the exclusive light of business considerations; that a permanent municipal staff tends to acquire the lethargy and the unenterprising arrogance of most bureaucracies; that a municipal council is at one moment tempted by the facilities for raising capital on easy terms into an injudicious extravagance and at another moment is driven by its fear of the ratepayers into an excessive caution; that taxpayers never have the same means as stockholders of learning the exact position of the enterprise conducted in their name and with their money, and are therefore less able to influence its directors on their business side; and that the areas within which alone municipalities can operate are so narrow when compared with the developments of modern mechanical industries, such as electric lighting, transportation, and telephones, that a private corporation disregarding all artificial boundaries and extending its activities to the full limit of their business capacity—supplying, for instance, a whole county whilst the municipal council is confined to a mere fraction of it—is practically certain, unless grossly mismanaged, to work with a greater economy of administrative power and financial outlay. One may, therefore, maintain with some confidence that faulty as boards of di-

rectors often are when regarded as purely trading agencies, municipalities are more faulty still, and that the communal management of a public utility is virtually bound to be more costly, in the normal commercial sense of the word, than if it were left in private hands. Reasons have been given earlier in this article for holding that from the public standpoint the commercial test is not necessarily decisive. Nevertheless, the superiority of private over municipal trading in all that appertains to the business side is a factor of the utmost moment and must be held to go a long way towards justifying the exclusion of local authorities from competitive industries.

SYDNEY BROOKS.

(To be Continued)

AMERICAN SECURITIES IN EUROPE

BY JAMES EDMUND DUNNING

I

In the *Petit Parisien* for May 22d, 1911, there appeared the following paragraph:

"There will shortly be introduced on the Paris Bourse, both for cash and option dealings, the stock of the Atchison, Topeka & Santa Fé Railroad. This company, one of the most important in the United States, owns 11,000 miles of road, of which about 10,600 are being operated. The annual profits have risen in the last ten years from $23,000,000 to $35,000,000, and the dividend paid on the ordinary stock has gradually been raised from one and one-half per cent. to six per cent. last year."

Contained in the process by which permanent place abroad has been given such issues is the history of the greatest strokes of commercial and financial generalship in our times —and the creation of an unexpected practical force for the amity of nations and world-wide tranquillity.

The relation between expanding American industries and the money-supply of the continent of Europe is by no means one of mere bargain and sale. It represents the highest possible ideal of a union of understanding and interest for the benefit of the producer of capital, on the one hand, seeking a secure place and a reasonably profitable activity in which to put his savings, and on the other the active user of money requiring motive power for his works. It is one of the most striking illustrations of the way in which nations have drawn closer and closer together in the last half-century. It is "Reciprocity" in a most noteworthy form. It is a noble tribute to the financial genius of the age that there has been found a way to so increase the neighborliness of nations, their knowledge of and confidence in one another, and their means for maintaining constant and mutual touch, that the needs of one can be made to feed and sustain the

requirements of another under orderly systems and easily workable regulations, and with the nearly complete disappearance of that feeling of suspicion and distrust which in former days was sometimes encountered in international enterprises. Some of the strong peoples have grown, under this new impulse, to an intimacy of interest which stands far over average "alliances" in potency for general harmony and peace.

The mere exploitation by one nation of the resources of capital produced through the process of saving in another would not be a handsome spectacle. One does not know that it has ever been attempted, but not infrequently one hears some sarcastic reference to "Dollar Diplomacy" as if it were somehow an ungenerous and undignified thing to bring the best *material* interests of the four quarters of the earth into harmony and touch as a part of the age-long effort to similarly effect some reasonable concord in politics.

The peace-controlling power of extensive business connections was mentioned not long ago by the Right Hon. James Bryce, Ambassador to the United States from England (in a speech to the National Board of Trade in Washington), in these strong terms:

> "But I do say, speaking of Europe and speaking of the rest of the world, that the existence of an active and increasing commerce is a very considerable additional security for peace between the great nations of the earth. It is also a great advantage even in minor cases."

The United States, as an expanding industrial member of the group of nations, and the American banker with his superior point of view and power of vision, have been most active in the practical development of a plan for a general interchange of interest and investment. American securities have sought foreign markets in order to procure funds for the development of our industries. A country like ours, where in this first decade of the century the capital invested in the manufacturing industries increased by one hundred per cent., and where, in the same period, the production of crude petroleum tripled and the cotton crop increased thirty-five per cent.; where the steel and iron product of the single Pittsburg district has risen to nearly $200,000,000 annually; where the products manufactured in the district of New York alone amount each year to a total which is rapidly approaching the three-billion-dollar mark; and where, out of the tremendous total which is implied hereby, there is an

annual exportation to other countries of but about two billions of dollars—such a country must naturally concern itself with its financial relation to the other countries. Equally is it true that the United States, with a railway mileage which advanced in this first decade from 190,000 to 250,000 miles, a population which rose from 75,000,000 to 90,000,000, and wealth which increased from $80,000,000,000 to nearly $115,000,000,000, constitutes a foremost opportunity for the safe and profitable employment of the savings of other countries where there is less demand for working capital but a rigid insistence upon the security of invested earnings.

This need of a safe and active field of investment has been quite as great in certain other countries as the need of working capital has been in ours. There has been quite as much anxiety to seek the market as we have displayed in creating it. Much of the apprehension which may have arisen (and I do not think it very general) concerning our national attitude toward this situation has been derived from an ignorance of the banking business and the science of finance, not to mention lack of opportunity to view the facts at the shortest range. The same process goes on in miniature in every banking-house in every smallest city in the world. I well remember how a few years ago the French holders of certain short-time American railway notes besieged the Paris offices of a great bank and begged that they secure an extension of the notes in spite of the fact that the investment paid but three per cent. Money must have employment just as certainly as machinery and men must.

The American securities now quoted on the Paris Bourse are (June, 1911 : Cleveland, Cincinnati & St. Louis fours, due 1930, $10,000,000; Chicago, Milwaukee & St. Paul fours, 1925, $50,000,000; New York, New Haven & Hartford fours, 1922, $29,000,000; Pennsylvania Railroad Company three and three-quarters, 1921, $50,000,000; St. Louis & San Francisco fives, 1927, $10,000,000; the same company's four and a halfs, 1940, $5,000,000; Atchison, Topeka & Santa Fé Railway Company common stock, 200,000 shares of $100 each, $20,000,000; Philadelphia Company common stock, 200,000 shares of $50 each, $10,000,000.

On the Coulisse (or curb market) there are handled the following: U. S. Worsted Preferred, 30,000 shares; U. S. Rubber First Preferred, 50,000 shares; Virginia-Carolina Company Common, 75,000 shares; and Utah Copper, 300,000

shares, all of $10 each. The total is thus slightly under $200,000,000.

II

France leads the world in the annual comparative volume of her savings, which amount to about $400,000,000. Italy, with a population considerably smaller, exceeds her in the amount of average savings-bank accounts per depositor and nearly equals her in the amount of average deposits per inhabitant, while Germany, Austria, Norway, Sweden, Switzerland, and Denmark lead her heavily in the same way. But in actual producing capacity, irrespective of the disposition of the resultant savings, France leads all other countries and constitutes the best example of modern times of what thrift as a national characteristic can accomplish for both the nation and the individual citizen. It is estimated by careful economists and financiers that nearly $500,000,000 becomes available every year in France for investment, about $400,000,000 from actual savings out of the profits of human labor, and the balance from probated estates and maturing investments.

This result is directly due to the special character of the French, which finds expression in the conception of the family rather than the individual as the social unit, and in their marvelous capacity for dealing successfully with the smaller things of life. The French constitute a colossal example of the old saying that those who take care of the pennies will find the dollars taking care of themselves. It is impossible to dissociate this feature of French economics from the personality of the nation. It is far more than a mere financial question, and one which might well be taken note of in other countries where complaint is heard of the so-called "high cost of living." And thus the national wealth of France ($45,000,000,000) is equal to that of Germany, though her population is but 39,000,000 as against Germany's 64,000,000. France's stock of money per capita of the population was about forty-one dollars when last reported (January 1st, 1909), where Germany's was but about twenty-five dollars.

"The French investor must sleep well" is a familiar saying among the Paris bankers. It is a direct reflection from the intention of the average citizen to find his level in life as soon as possible, discover and establish his earning ca-

pacity in it, and so live as to create an actual physical independence for himself, however modest, when a relatively brief working period is done. The individual investor, therefore, prefers a stock or bond which pays three to four per cent. with absolute security to one that pays six or seven per cent. with security under a risk. It is practically impossible to appeal to him on the ground of large returns. The question "Is it good?" must be answered to the last detail. And once he is satisfied, he buys and places the investment in his strong-box and leaves it there until maturity. This is the attitude of the individual, and it manifests itself likewise in the mass and passes straight up through the provincial banks until it appears as the dominating factor in the Paris Bourse and in the operations of such institutions as the Société Générale, with its capital of $80,000,000 and branches which reach into every town in France and every foreign country.

This habit of the French investor of purchasing a security and putting it away to rest until maturity as one of the permanent foundation-stones of a contented life is of the utmost value to us, and has, I imagine, had much to do with the splendidly successful efforts of prominent bankers to establish a permanent working relationship between the two republics. For it must be evident that if two nations have securities worth several hundred millions exchanged and placed in the hands of one another's citizens who will not only never speculate with them, but will be satisfied to let them remain, perhaps for fifty years, until maturity, for the sake of the annual return in interest or dividends, they have created a mutual and reciprocal asset for their financial stability the importance of which can hardly be overstated. So far as the public and the press are concerned, this is a comparatively new principle in financial science and one which has certainly not come to be appreciated by the mass of people. As was said to me recently in Paris by a very eminent international financier, "The value of it cannot be put too strongly."

III

Italy, an entirely different market, created by utterly different people, remains almost untouched from without by this programme of financial unity. She uses her surplus earnings very largely in developing her home industries,

unlike France, which by comparison has developed industries more slowly than she has accumulated her national savings. The Italians of the dominant classes are much more like Americans than like the French in their attitude toward their savings. Characteristically bold, active, ambitious, and even venturesome, they display, in the handling of their money-supply and of their budget, all the remarkable independence and free courage which has distinguished them since the days when Christopher Columbus broke away from the weaver's shop in Genoa to discover a continent. The Italian is a famous saver, but an extremely liberal spender. In his northern industrial and financial communities he is singularly "American" in his roving energy, and not unlike the English in his "sporting spirit," which enjoys a risk and prompts him to put his earnings into something with a promise of high return even though coupled with a chance of loss. Without this element in the national character Italy could never have accomplished her wonderful rise from the doubtful integrity of her parts, between 1862 and 1873, to her present power as a great producing and purchasing nation with a rapidly accumulating store of gold and with industries expanding at a truly marvelous advance.

But, combined with the intense and increasing demand for home capital in the expansion of domestic industries, this has rendered her less attractive as a market for foreign securities than France. It is probably not too unreserved a forecast to say that well within the present decade Italian industries will have approached something like a turning-point, which is to say a zenith of capacity in a country which is limited in area and population in direct contrast to the almost unlimited energy and genius of its people.

This genius and this energy is as dynamic and expansive in Italy as it is kinetic and well-nigh silent in France. The time will surely come when Italian savings will be more interested than they are now in seeking outside employment. Milan is the money center and is already a positive influence in Continental affairs. The Banca Commerciale, seconded by the Credito Italiano, is one of the great financial organizations of the world, with connections extending into every country. The Bank of Naples is the great factor of the transmission to Italy of the savings of Italians resident in the United States, as much as $20,000,000 in a year being

brought into the Peninsula through this agency alone. When the time approaches, the stores of surplus capital which Italy will assuredly be capable of producing may very properly seek and find employment in the expanding industries of other nations. And there will be another link in the tremendous chain of common material interest which is binding more closely peoples heretofore widely separated. The refined and lofty sentiment of international political correspondence will have another foundation in substantial fact.

England, as the home of a public in which the speculative instinct is developed to the highest degree, has been much attracted by American stocks and bonds; but the method pursued there is totally different from that which obtains in France, and the difference is based on the widely divergent legal aspects of the case in the two countries as well as on the fact that the English enjoy rapid speculative excitement, while the French do not.

In England practically any security can be sold on a basis as good as that afforded to any other. There is very little control of any kind, and the principle of individual liberty in investment is not limited by government. Shilling rubber shares and government bonds enjoy like privileges.

In France, on the contrary (and generally contrary to the custom obtaining in other countries), the listing of any given security is wholly within the control of government. The Chambre Syndicale, or governing board, of the Paris Bourse, which answers to the Board of Governors of the New York Stock Exchange in a general way, is simply the vehicle made use of by the security in getting a hearing before the French Ministry of Finance, and, in the case of a foreign security, also before the Minister of Foreign Affairs. The situation is very much the same as would be produced in America if the Board of Governors of the New York Stock Exchange should be required by law to submit a statement of a security to the Treasury Department and then to the Secretary of State at Washington, together with a petition for authority to list it.

It thus happens, of course, that political considerations of the higher type may possibly enter in and be given weight either for or against a certain stock, and that the barrier so raised is frequently insurmountable by securities which, for one reason or another, are deemed to be inimical to the best French financial and commercial interests; but in the

long run, as seems evident, the public, which is naturally the foundation of every investment enterprise, is afforded an unusual degree of protection. In that this protection acts directly to conserve the great annual accumulation of French savings, it must be maintained that the restrictions are for the general good, which is to say the good both of France and of those other countries which deal with it. Accompanying it are sundry minor regulations which must be complied with and which heighten the protection to the investor and the responsibility of the vendor.

IV

Germany carries her advanced policy of protection to home enterprises straight throughout her whole financial system. The foremost German financiers pay but incidental attention to foreign securities, in spite of the fact that some of their interests of that character are large; and it can hardly be expected that their public will acquire any very extended relation toward us in this regard. Her financial propaganda is devoted too absolutely to assisting the spread of her own commerce and industries at home, and especially in other countries. The making of a German industrial loan abroad means that the money spent in equipment will be paid back again to German factories and syndicates. Moreover, Germany's internal condition is totally different from that of France in that, on the one hand, her population is less devoted to the principle of thrift, and, on the other, her industries are being expanded to such a degree and her foreign connections so extensively developed as to exhaust from within much of her natural annual accumulations of available capital. Russia and Austria are in much the same condition, the former taking her financial lead from France and the latter from the Germans. While in both countries, and particularly in Russia, large sums are being used internally, in France attention is paid to the *accumulations* of thrift more than to the *profits* of ingenuity and speculation.

The German national savings are authoritatively stated to be slightly over $900,000,000 a year. As I have already said, these funds find very profitable employment in native investments, and especially in German municipal bonds, of which there are many. The German investor is quite willing to accept reasonable risks in the pursuit of a high interest return, and the size of the expected dividend has fre-

quently been a decisive factor in sales of American securities in Germany, quite contrary to the prevailing practice in France. The tendency and volume of German industries are such as to naturally create a fairly high interest rate, and in this respect Germany is in something of the same situation as the United States. The case has at least been sufficiently similar to render Germany comparatively indifferent to American securities. She is a heavy user of foreign money, and has for several years been offering her own securities in outside markets. There is some authority for believing that hopes are entertained for eventually listing German Consols on the Paris Bourse. There remain, of course, some political difficulties in the way of an absolutely perfect accord between Germany and France; but it is interesting to note that French capital flows into Germany already, though indirectly, by way of Switzerland. The *Petit Parisien* for May 21st, 1911, in commenting on the reduced demand for native securities in France, said:

"It is no secret in France that French capital is emigrating, and very rapidly indeed, to Switzerland, and even to Germany."

The point there is that French money can be taken by Swiss bankers through their intimate connections with the Paris market and reloaned to Germany at a profit, while still giving Germany the necessary capital required by her development at a price which she can afford to pay.

Efforts to handle American securities in Germany on a large scale by direct means at Berlin have not succeeded as well as was expected—certainly not anywhere near as well as they have in Paris, where such methods have become thoroughly established.

By a proclamation dated July 4th, 1910, the German Government provided regulations for the admission of securities to quotation on the Stock Exchanges. The Government has thus taken very strict control of this protective system, and the restriction is quite as complete as it is in France.

Holland has been a very positive factor in the development of the American security abroad, and a considerable chapter of financial history might be devoted to that alone. Amsterdam has long taken an active interest in our stocks and supplied a good deal of the money for the early railroad enterprises in the United States. The Amsterdam market still figures as one of the principal centers for the negotia-

tion of American securities in Europe. As in England, governmental regulation is nearly non-existent. The door is open to every sort of offering, and the leading bankers regulate matters for themselves in connection with their financial correspondents in the United States. The volume of Dutch savings is large, and we have drawn upon them liberally in our programme of industrial development. The field is still exceptionally good, but the security must be unquestioned and highly indorsed.

The stock of Dutch money in circulation per capita when last reported (January 1st, 1909) was about twenty-six dollars; and twenty-five dollars for Germany, fourteen dollars for Italy, eighteen dollars for the United Kingdom, forty-one dollars for France, and thirty-six dollars for the United States.

During 1909 and 1910 large issues of American bonds were placed in Europe, a considerable quantity of them going to Paris. London continues to take similar lots now and then, and Brussels has become a fairly attractive market for small parts of lesser industrial issues, which are "peddled" into northern France and Holland to customers of private banking-houses. During the summer of 1911, however, the plan of an international syndicate to establish an agency for important American securities in Brussels came to a head. This group is made up of bankers in both Belgium and the United States. In England particularly there is a group of such comparatively small bankers or "investment companies" who make a business of trading in minor industrial securities. But the French appear to have a special liking for "preference shares," doubtless because of the obvious profit-sharing theory on which they are based.

During 1910 there was visible some tendency to express uneasiness over the trend of American legislation and the application of corporation laws in various of the States. This fear, based on insufficient information and the difficulty, usual in Europe, of perfectly understanding the method by which the members of our Union work together as a coherent whole, was abated without much difficulty, and there was no sign of it in 1911 when certain vital decisions of the United States Supreme Court were rendered. It was then quite clear that a lurking uncertainty as to the stability of institutions, which, like ours, are expanding at a rate that to the European mind seems entirely supernatural, had been dis-

pelled by the patient "missionary" labors of our financiers. The extraordinary liberties of our free press, and the real relation between our laws and our corporations, had been made known and understood. The frank declarations of our great industrial leaders has had a marked effect in elucidating this attitude of the new American men of affairs toward the mighty and not always controllable natural forces under their direction—their high sense of a responsibility beyond all ordinary standards and their more than willingness to have the Government bear the burden of it once the safety of their stockholders is assured. However, by the middle of 1911 it had become obvious in Europe that the Continental market offered but little encouragement to foreign industrial securities excepting those of the highest and absolutely proved class.

V

Certain nations stood thus in 1910:

(Figures in millions.)

Country.	Pop'n.	Wealth.	Revenue.	Expenditure.	Debt.	Per Capita Money Supply.
France	39	$45,000	$850	$850	$5,900	$41
Germany	64	45,500	678	678	1,095	25
Holland	6	5,000	73	78	451	26
Italy	32	15,000	453	442	2,602	14
United Kingdom	42	70,000	738	741	3,670	18
United States	90	125,000	884	1,002	1,023	36

To a people as actively occupied as ours are occupied in complex interstate relations, which have until very recently been sufficient as producers of trade and absorbers of capital, but little has been known of the steps which have led up to, and which are still leading up to, a more thoroughly workable understanding among the dominant nations in their money operations.

It was probably during the panic of 1907 that there first came home to us the lack of adequate reciprocation between the greater parts of the complicated mechanism of international finance. It must have dawned on many minds then that something had been overlooked, even as it became apparent that the so-called "panic" had no genuine foundation and came from no adequate physical cause. The fact was, there was practically no harmony between nations and their peoples in finance, such as we have been building up for many years in trade. The very immensity of our possibilities and resources had kept us blind to the need of outside assistance in developing them.

Equally has this state of things been true in our relations with Central and South America. Admittedly essential, as it is, that we share in the interests of our associate American republics, up to a comparatively short time ago we exercised but little influence in financing their enterprises or in assisting them in making the loans necessary to their prosperity. For this and a considerable part of their trade they formed the habit of going to the Continent of Europe. Argentine in 1910 gave twice as much trade to Germany and England as she did to us. French capital built the dock system at Rio de Janeiro. The British have constructed the Brazilian battleships and the Peruvian liners which will operate from the west coast through the Panama Canal to Atlantic ports.

This inability to see with sufficient breadth of vision the true relation between finance and trade, on the one hand, and political and social development on the other, goes back many years. It is still easily recalled by European bankers how no one believed in the stability and depth of American resources (excepting cotton) during our Civil War. I personally remember one patriotic American, then a resident of Europe, who doggedly held to his promise to buy any American security offered to him by foreign holders during days when the Union was supposed to be doomed, and who awoke, one morning in 1865, to find himself much more than a millionaire in "gilt-edged" securities, some of which he told me he had purchased for ten cents on the dollar.

Nor was much more known or appreciated among the European people themselves of the resources of one another. Scientific international finance, as the greatest of professions, was in its infancy. The general view even of the foremost bankers was confined and narrow in 1864, but four years later began the political crisis which terminated in the Franco-Prussian War and in the exaction by Germany of Bismarck's colossal indemnity of a thousand million dollars. That France could meet such a burden without a condition of practical bankruptcy extending over many years was believed by no one in Europe at the time, and the utmost astonishment was expressed when a company undertook to finance it. The world knows how the gigantic penalty was arranged for in the course of a mere few weeks, but even in the thrill of wonder which possessed financial interests everywhere there was but little understanding of the main cause underlying the action.

Underneath there has been at work a mighty but perfectly simple principle of higher economics—the principle of demand and supply in capital, which differs in no way whether applied to money or to goods. The aim apparently has been to create, by the use of sterling securities of the most assured quality, the groundwork for a permanent freedom of interchange between European money anxiously seeking profitable occupation and American securities representing the larger branches of our industries. It is thoroughly clear that this task has not been easy. Years have been required for it, and an infinite patience in smoothing the way with copious information upon the resources of America, and in building up the assurances, moral as well as legal, upon the character of our national assets. In consequence, for the first time there has been created a genuine knowledge and appreciation of the true extent and indestructibility of our commercial prosperity—that exposition of natural resources and self-containedness which is equaled nowhere else on earth.

JAMES EDMUND DUNNING.

IRELAND'S NATIONAL DRAMA

BY JOHN EDWARD HOARE

It is a long look back to the day when Matthew Arnold expressed himself so strongly and pertinently upon the vital importance of organizing the theater, and in London the uphill fight toward some such accomplishment seems both slow and sadly spasmodic. In fact, the English provinces are leading the way, as demonstrated by the venture recently initiated in Liverpool and Miss Horniman's Repertory Company in Manchester, which was established in 1907 with such widely interesting results. But in Dublin we now find a theater upon such a properly organized basis as is worthy of no small attention from all who are interested in the national aspect of drama in the higher sense.

In the year 1901 there came fully into being what was then termed The Irish National Dramatic Society, its object being the production of purely Irish plays, plays written—in English—by Irish authors, and plays relative to Ireland interpreted by local actors under a self-contained board of direction. And during the last decade the most deeply instructive developments have taken place till to-day The Irish National Theater Society can show a drama, a school of acting, and a clearly defined character and status of its own.

This society was the outcome of The Irish National Literary Society which Mr. W. B. Yeats founded early in the nineties. Associated with him from the beginning has been Lady Gregory, whose plays now form an important part of the company's repertoire; while Miss Horniman stepped in as patron, providing them with the little Abbey Theater in Dublin and subsidizing the company through all their early struggles, thus lending her personal assistance until, in fact, this year, when the company became independent.

Mr. Yeats, who stands in a sense as figure-head to this Irish Movement, is sufficiently widely known as a poet to admit

of a passing reference to him here solely in the capacity of dramatist.

He is the first to state that he does not deliberately write plays for stage presentation; in the early work of Maurice Maeterlinck one finds a somewhat similar case in point: For in such pieces of Mr. Yeats as "The King's Threshold"* —that tale of the sufferings of Seanchan the poet—and his famous "Land of Heart's Desire" the poetic element is at once too strong and too weak from the standpoint of drama. An indefinable sense of symbolism is evident to the mind throughout, so that, though beautiful in the reading, they lose much of their fragile delicacy on the crude boards of a theater. Yet in "Cathleen-ni-Hoolihan," where the Ireland of 1798 is symbolized by an old woman, in "The Hour Glass," a beautiful morality, and in "Deirdre," Mr. Yeats has seriously found his nearest approach to the stage proper.

Thus, speaking purely from the dramatic standpoint, the company's deep indebtedness to Mr. Yeats is rather for his judgment in selection, for his inspiration in matters of production, and for his guidance as artistic director and adviser than for any special direct dramatic contribution.

Let us turn, therefore, for a moment to the work of Lady Gregory, who has assumed the position, a most essential one, of comic muse.

Many of her plays are in one act, and a volume† comprising seven may fairly be considered as representative. Here in two instances does the jester assume the right of appearing in serious garb. "The Travelling Man" holds a place apart, since it is a miracle play of exquisite simplicity; "The Gaol Gate" also amply justifies its inclusion. Written in a curious hidden rhythm half woven into prose, it gives to the sensitive spectator a vivid impression of the two poor women coming to the gaol gate to await the release of a son who proves to have been unjustly hanged. But it is rather of the authoress in lighter vein that I would treat. There can be little question that however farcical may seem "Spreading the News," however deftly humorous "The Rising of the Moon," however artistically absurd the crescendo and diminuendo quarrelings of the two old patients in "Workhouse Ward," "Hyacinth Halvey" is the gem of this collection; and here again one is driven to realize

* *Collected Works.* By W. B. Yeats. Dublin: Maunsel & Co.

† *Seven Short Plays.* By Lady Gregory. Dublin: Maunsel & Co.

the practical impossibility of conveying by means of a brief sketch of the story any adequate idea of the atmosphere and impression obtained from a piece that depends on characteristics rather than character, and inflections physical and vocal to illuminate the dialogue.

Hyacinth Halvey is a young man who comes from Carrow to "the little town of Cloon," applying for the post of sub-sanitary inspector. He brings with him a walletful of spurious testimonials from every casual acquaintance and prejudiced relative, specimens of which are read aloud by the local police sergeant to an admiring crowd, as Mrs. Delane the postmistress, remarks:

"So he is one Hyacinth Halvey; and, indeed, if all that is said of him is true, or if a quarter of it is true, he will be a credit to this town."

"*Mr. Quirke.* Is that so?"

"*Mrs. Delane.* Testimonials he has by the score. To Father Grogan they were sent. Registered they were coming and going. Would you believe me telling you they weighed up to three pounds?"

"*Mr. Quirke.* There must be a great bulk of them indeed."

"*Mrs. Delane.* It is no wonder he is to get the job. He must have a great character, so many persons to write for him as what there did."

"*Fardy Farrell.* It would be a great thing to have a character like that."

"*Mrs. Delane.* Indeed, I am thinking it will be long before you get the like of it, Fardy Farrell."

"*Fardy.* If I had the like of that of a character, it is not here carrying messages I would be. It's at Noonan's Hotel I would be driving cars."

Here are a few specimens of the testimonials:

"*Sergeant (reading).* He possesses the fire of the Gaul, the strength of the Norman, the vigor of the Dane, the stolidity of the Saxon."

"*Hyacinth.* It was the chairman of the Poor Law Guardians wrote that."

"*Sergeant.* A magnificent example to old and young—"

"*Hyacinth.* That was the Secretary of the De Wet Hurling Club."

"*Sergeant.* A shining example of the value conferred by an eminently careful and high-class education—"

"*Hyacinth.* That was the National Schoolmaster."

"*Sergeant.* Devoted to the highest ideals of his Motherland to such an extent as is compatible with an hitherto non-parliamentary career—"

"*Hyacinth.* That was the member for Carrow."

"*Sergeant.* A splendid exponent of the purity of the race—"

"*Hyacinth.* The Editor of *The Carrow Champion.*"

"*Sergeant.* Admirably adapted for the efficient discharge of all possible duties that may in future be laid upon him."

"*Hyacinth.* The new Station Master."

"*Sergeant.* A champion of every cause that can legitimately benefit his fellow-creatures. Why, look here, man, you are the very one to come to our assistance to-night."

"*Hyacinth.* I would be glad to do that. What way can I do it?"

"*Sergeant.* You are a new-comer—your example would carry weight. You must stand up as the living proof of the beneficial effect of high character, moral fiber, temperance. I am sure I saw 'unparalleled temperance' in some place."

"*Hyacinth.* It was my mother's cousin wrote that: I am no drinker, but I haven't the pledge taken."

So poor Hyacinth is to stand forward as a fine example at the lecture on "The Building of Character," while "a few corner boys from Noonan's bar, just as they are, greasy and sodden," are to be requisitioned in a group of hideous contrast!

But Hyacinth Halvey cannot live up to this. It is too much. He fervently wishes he had never left Carrow where he had "comrades, and an odd spree and a game of cards and a coursing match on," and so he commissions Fardy Farrell, the scapegrace post-boy, into a conspiracy for the losing of this fictitious character and the disillusionment of the people of Cloon. First it is a dead sheep he steals, hanging as it was on Mr. Quirke's wall, thus finally winning for himself the blessings of Heaven from the old man for having providentially saved him from being caught by the police with bad meat about the place! Frustrated in this escapade, it is a half-crown that he next appropriates with sacrilegeous intent from the Protestant Church—the "china egg" half-crown, so to speak—which the sergeant ultimately recognizes in Fardy's possession as the perennial coin that has its habitation in the plate for the inspiring of Sabbatical generosity. And this delicious farce ends in a scene where Hyacinth Halvey, in swearing publicly he robbed the church of two-and-six and gave it to Fardy Farrell, is borne off on the shoulders of the assembled crowd amidst wild cheering. For Mr. Quirke's theory has found general acceptance—namely, that any idea of Mr. Halvey having stolen it was ludicrous in view of the testimonials and that in reality he is

"The preserver of the poor! Talk of the Holy Martyrs! They are nothing at all to what he is! Will you look at him! To save that poor boy he is going! To say he himself did the robbery he is going! To gaol he is going! . . . doing all that, I tell you, to save the character of a miserable slack lad that rose in poverty!"

Acted with the inimitable humor of the Irish company, this is surely one of the wittiest of farces we have seen for

many years—witty, literary, and human without a touch of the vulgar or a blemish of the cheap. But in a short survey of so wide a field as my title covers, I cannot enter into further detail regarding this delicious vintage of farce marked with such distinctive character.

Lady Gregory has also to her credit "The Image," a play in three acts, and "The White Cockade," but mention of these must give place to a passing comment upon another side of her work, "The Kiltartan Molière."*

Three plays of Molière have been happily selected for impressionistic translation: "L'Avare," "Le médecin malgré lui," and "Les fourberies de Scapin" are alike treated in what has come to be familiarly known, even to the extent of parody, as the Kiltartan English. To any who may object to these free colloquial translations, be it either upon esthetically artistic or classically academic grounds, the adapter can point to a weighty defense of her methods by Professor Maurice A. Gerothwohl, Litt.D., Professor of the Romance Languages at Dublin University, who was well known as being associated with the Théâtre Libre movement under Antoine's jurisdiction.

He says:

"I see no reason why the main scenes and business of 'The Miser,' for instance, which we find already in Roman garb in Plautus, then again in Italian garb in Lorenzo de' Medici or Ariosto, just as the main scenes and business of the 'Rogueries,' which are first to be found in Roman garb in Terence's 'Phormio,' supplemented by a few Italian additions in a farce called 'Pantalone,' should not find a congenial setting in Galway County. . . .

"In plays such as 'The Miser' or 'The Rogueries,' both the plots and characterization are so universal, alike in their conception and moral application, that no change in scenery or idiom would impair them, as I think, in the slightest degree."

In conclusion, it should be added that all the traditional business in presentation and stage direction as handed down for generations at the Comédie Française has been scrupulously maintained by Mr. Yeats.

But at this point it is essential for us to realize the full significance of the work left us by that dramatist who, through the medium of Ireland, found a sincerely artistic expression of life as reflected by a temperament that was sensitive to a point of genius—I refer to the late John M.

* *The Kiltartan Molière.* Dublin: Maunsel & Co.

Synge, whose death some two years ago removed a landmark from the European drama of our day.

No one can be witness of "Riders to the Sea," that most poignant tragedy in one act, without feeling a sense of the absolute, a sense of artistic unity and dramatic expression to which it is hard to find an equal. The art of the one-act play is in a degree essentially similar to that of the short story, since both are dependent on a sudden imposition of atmosphere at the outset. In this respect Guy de Maupassant may be named a master, though perhaps neither he nor Mr. Rudyard Kipling attain to the same perfection as Edgar Allan Poe in such a tale, for instance, as *The Fall of the House of Usher*. So it is with Synge. What the dramatist of tragedy considers his prerogative in a fourth or fifth act —that condensing of dialogue leaving much to the mind of the spectator, by then warmed to his part in the play—John Synge assumes in fearlessness with a piece in one act.

Another point of marked individuality with Synge is found in the language of the plays, a language he has learned from fisher folks in the Aran Islands,* from tinkers of County Wicklow, and wanderers of western Ireland, and which has been passed through the mint of his art until new inflections and a new rhythm of speech have found their coinage. Some of the more prosaic may question the realism of this, but to those who understand Synge such questioning is immaterial—much in the same degree as objections raised to coincidences in *Lavengro* and *The Romany Rye,* where Mr. Augustine Birrell stands defender for all true Borrovians.

In "The Well of the Saints,"† that striking comedy of the two blind beggars and the priest who would fain miraculously heal them, we find perhaps the truest expression of Synge, his artistic and philosophic attitude toward life and nature, and our human valuations thereof. What can be more intrinsically beautiful than the defense of Martin Doul's blind philosophy:

"Ah, it's ourselves had finer sights. . . . I'm telling you when we were sitting a while back hearing the birds and bees humming in every weed of the ditch, and when we'd be smelling the sweet, beautiful smell does be rising in the warm nights, when you do hear the swift flying things racing in the air till we'd be looking up in our own minds into a grand sky and seeing lakes and big rivers and fine hills for taking the plow. . . . . I'm thinking it's a good right ourselves have to be sitting blind, hearing a

* *The Aran Islands.* Dublin: Maunsel & Co.

† J. M. Synge. Complete Works in four volumes.

soft wind turning round the little leaves of spring, and we not tormenting our souls with the sight of the gray days, and the holy men, and the dirty feet is trampling the world."

To a chance votary of the realistic school this may not seem to be surface drama. But it is the true drama of the mind and of the soul, the drama Mr. Henri Bataille summarized as "Le drame des Consciences et du Destin," the drama of human effort and limitation. "The Well of the Saints" is as great a dramatic achievement as Ibsen's "Wild Duck"; for when we reach the fundamentals the similarity is more than striking, the differences appearing rather those of environment in method and the resultant form of artistic expression selected. And so with Synge we pass from the brooding mists of "The Shadow of the Glen," through the calm twilight of "The Well of the Saints," till we meet the tragic sunshine of that now famous comedy, "The Playboy of the Western World"; and there still remains to us "Deirdre of the Sorrows," his posthumous play, where the fatalistic legend is reset—albeit with the full strength of tragedy—in a poetic atmosphere of gray and distant hills.

As for "The Tinker's Wedding," it is not of much account; while from the artistic standpoint "Riders to the Sea" must ever stand his masterpiece.

Thus throughout all his work, dramatic and otherwise, there is the same blend of sympathy and philosophy, of observation and selection, of light and shade, that go to form the equipment essential to a great dramatist.

Only half a dozen plays bear his name, but they are of more permanent value than a score of London's so-called "New Drama" productions, mostly heralded by individual tub-thumpers and ranters, who seem to reck little of any purpose so long as the critics and the "Philistines" express disapproval and a mentally vegetarian following their rapturous applause. For at no time so totteringly as today has the English public stood between the devil of insincerity and the deep sea of mediocrity: after repeatedly being informed that the plays it has joyfully attended for generations are not worth the proverbial tinker's curse, the public timidly looks in a new direction; and to the indiscriminating it is hard to differentiate between the two or three real dramatists of worth and those who have shed the cloak of drama and the mask of comedy for the shirt-

sleeves of the pamphleteer. In such a high-art hubbub as it is, England in the wide sense may well rest peacefully honored of John Millington Synge.

Although to Mr. Yeats, to Lady Gregory, and, most of all, *quâ* dramatist, to John Synge, the Irish National Theater owes the position that it holds to-day, this sketch, brief as it necessarily is, would be incomplete without some passing mention of certain other authors whose plays figure in the Abbey Theater repertoire, as also in the series of Abbey Theater plays, for which associated publications Messrs. Maunsel of Dublin stand as sponsor.

Mr. William Boyle, author of several poems and stories, has contributed two plays—"The Mineral Workers" and "The Building Fund." The latter piece provides a rich vein of humor that is a veritable mine for such expert workmen as the Irish actors.

The theme shows us the attitude of the farmer toward the heavy demands of the Church, an old woman and the making of her will forming the foreground to the picture.

Mr. Boyle, like many of his literary compatriots, is a government official. He was also one of the distinguished company of founders of the Irish Literary Society of London.

Mr. Padraic Colum, in "The Land" and in "Thomas Muskerry," has written for the people plays essentially of the people. By that I would emphasize that whereas Synge, for example, wrote plays of Ireland, they were plays for Dublin, for London, for Europe and America, inasmuch as Ireland but chanced to be the medium for his dramatic and philosophic self-expression. But in "Thomas Muskerry," that tragic episode of the old master of Garrisowen Workhouse, we have an intimate localization that is essentially national.

"The Land" is a faithful reproduction of typical life in the Irish Midlands, and is subtly propagandist, containing, as it does, a distinct note of protest against the gradual exhaustion of the country by emigration to the United States.

However, Mr. Colum's plays give the impression of being somewhat thin, and at times his technique is a trifle obvious, especially to the reader; though the work bears the stamp of sincere fidelity, it lacks something in selection and coloring, in richness and depth.

Mr. S. L. Robinson, in "The Cross Roads," shows us altogether a stronger piece of work. In this story of Ella

McCarthy, who, after a three years' course in Dublin life and "Debating Club Talk about Ireland," gives it all up to "do something for Ireland" in the country place she came from, there are the vital elements of tragedy. The dialogue is forceful, and in the last unhappy act, where all her theories of improvement are shown fortuitously shattered in the practice, she still remains true to herself and her ideal—even in the face of "a hard, dark road to travel, but foot it I must to the bitter end." Mr. Robinson is also the author of "Harvest," and holds at present the position of manager to the company.

Among other contributors to the repertoire must be mentioned Mr. Norreys Connell, one time manager, and a new author, Mr. T. C. Murray, who added another tragedy in "Birthright." Lord Dunsany has also attuned his fantastic imagination to dramatic themes, and it will be interesting to note the effect on an American audience of that most striking curtain to "The Glittering Gate" which left the Court Theater half stunned by its very daring. A translation of Maeterlinck's "Interior" has also been performed from time to time; but in conclusion I must now add one word regarding the acting.

Firstly, there is the delicious accident of Irish speech, the intonations, the inflections, and, in more symbolic passages, the sense of distance that it lends to the mind.

Mr. A. B. Walkley, of the *Times*, so clearly expressed this effect in his criticism of the then little company of amateurs which came to a London suburban hall in May, 1903. To reread this piece of criticism,* to which they undoubtedly are indebted for the foundation of London's annual welcome, is of deep interest both in regard to the initial stages of the company as also to the strengthening of one's admiration for the critic. It was the same critic who so aptly summed up their production of Mr. Shaw's much-censored Western melodrama as the effect of a stringed orchestra performing a piece written for a brass-band. We find in the acting the same sincerity of purpose and expression that we have come to look for in the plays; no devastating "star parts" break the harmony of a company which acts as a unit intent on the just interpretation of their author. And in this school of acting, with its quiet restraint and simplicity in tragedy, its spontaneity in comedy, its fresh exuberance in farce,

* *Drama and Life.* By A. B. Walkley. Methuen.

we attain a realism that seems reality in the absolute if it were not for our knowledge of the study and the art that lie concealed beneath. And what a welcome relief it is to find a company devoid of self-consciousness, of posturings, and those ghastly affectations that form the scrip and scrippage of many a " star " on either side of the Atlantic! To select any special players would seem almost an invidious task, but Miss Maire O'Neill as Nora in " The Shadow of the Glen," as Pegeen Mike in " The Playboy," and as " Deirdre " is surely the perfect embodiment of Synge's imagination; while Miss Sarah Allgood as old Maurya in " Riders to the Sea," and as Mary Doul in " The Well of the Saints," leaves no touch of character, of pathos, or humor undefined.

Mr. Arthur Sinclair is, perhaps, seen to the best advantage as old blind Martin Doul in " The Well of the Saints "; Mr. J. M. Kerrigan shows us the many-sided " Playboy " with deliciously humorous characteristic and a fine conception of the value of the poetical scene in the third act, but he stands in danger of losing something of his freshness and early vigor through the more conscious appreciation of his art.

With such a company as this it is needless to enlarge upon the vital importance of a *théâtre intime,* since much of their finesse and the careful engraving of detail would pass unnoticed in the average-sized playhouse of this continent.

For Mr. Yeats and Lady Gregory it has been a long-cherished ambition to take the Irish company to America, and now the time and opportunity have come. It is a curious coincidence that Miss Horniman's present company is also due early in next year to cross the Atlantic for a repertory season in Montreal. Those who appreciate the importance of good drama, be it comedy, tragedy, or farce, those who understand the vital necessity of individual members of a company combining as a unit for the common good—instead of crudely scrapping for the lime-light—will watch with an interest not untouched by anxiety the verdict here awaiting two such ventures, which in their respective spheres have been so wide in influence, so broad in scope.

JOHN EDWARD HOARE.

WHERE ARCHAEOLOGY COMES IN

AN OPEN SESAME

BY ARTHUR L. FROTHINGHAM

I

A FEW years ago in Philadelphia Mr. Henry C. Lea asked a friend, "What is Archæology?" This question from one of the foremost of American humanistic scholars, whom, in fact, a prominent French savant characterized to the present writer as "the greatest of living historians," implies that even in the mind of men of unusual breadth of culture there lingers in this respect a certain haziness.

This is hardly to be wondered at when even among specialists in America there seems to be discord: when many anthropologists are satisfied that archæology is a perquisite of the prehistoric ages, while authorities in the Greco-Latin field are apt to regard classical antiquities as the only proper theme of archæology.

The answer given to Mr. Lea's question was that "Archæology is the History of Civilization told through its Monuments." Even this definition narrows the field possibly more than is strictly advisable, for Archæology, or, in English parlance, the Science of Antiquities, is the broadest, most human and progressive of sciences. Its scope includes man and his history, the material things he has produced, the causes that produced them, the stories they tell, and the feelings they evoke. New discoveries are constantly adding to its material, opening up fresh fields, and forcing revisions of opinion. Such studies as religion and mythology, history, politics and economics, arts and industries, manners and customs, now depend largely on archæology for progress not only in material but in method. Archæology is twin sister to Literature: the one dealing with thought transmuted into things, the other with thought translated into words. Of the

two, Archæology is the more direct and reliable historic source, because it is the natural, impersonal, collective expression of an entire people, whereas Literature compacted of the voices of single men, is humanity seen through temperaments, and, therefore, is limited and prejudiced: in this consists its danger as well as its value and fascination. A figured monument gives us nothing but the truth: it is non-partisan. Written words harbor many untruths, whether intentional or involuntary. A real archæologist must, then, be the most broad, sensitive, keen, and profound of scholars; a historian, religious philosopher, philologian, critic, and art-lover all in one. Such archæologists are born, not made, yet they can be perfected only by infinite pains, and, like the great scientists, they are creators.

Two things must be considered in a survey of this field: materials and methods.

The excavations that have given us the skulls of the earliest men, the rock-pictures some fifteen or twenty thousand years old, and the earliest fashioned implements and potteries are archæology's contribution to anthropology and pre-history. For the age when historic civilizations began, at the close of the Neolithic Age, after 5000 or 4000 B.C., it is only necessary, in order to realize the revolution brought about by archæology, to pick out any ancient history written more than seventy years ago, such as Rollin's, and compare it with one written during the last two or three decades.

Since 1840 or 1850 archæology has practically created for us four thousand years of history: a new heaven as well as a new earth for the pre-Hellenic world. Egypt, Babylonia, Assyria, the Hittites have emerged from an almost Cimmerian darkness. We can now decipher their writings, read their literature, reconstruct their annals, religion, and life, while looking into the faces of the men and women of their race. The Northern races that entered so much later into the arena and yet were even more intangible than these Eastern nations are being unveiled by archæology: Goths, Scandinavians, Celts, Gauls, Slavs, and Germans, from the mountains of Armenia and the Caucasus to Brittany, are being shown by their archæological remains as either half yielding to the influence of Greece and Rome or maintaining their primitive integrity. Our science is helped at times by literature, but often it is obliged to seek unaided for an answer in these fields of the primitive and undeveloped

races. This illustrates how much broader as well as more faithful it is than literature.

Babylonia and Assyria may be used as an instance of the way in which results have been obtained. Their literature, written in curious wedge-shaped characters, elaborately combined, which are called cuneiform, was preserved mainly on clay tablets or cylinders, where they were inscribed with a sharp instrument before the clay was baked. These are supplemented by occasional monumental historic or religious inscriptions cut in stone. All of this literature was hidden underground. None of it had ever been read; the few pieces that had been seen were not supposed ordinarily to be writing at all, but mere decorative designs. The earliest important step was taken when Sir Henry Rawlinson copied and published the colossal trilingual inscription of King Darius on the rock of Behistun (1847-51), in Persian, Median, and Assyrian. This led, between 1850 and 1860, to the gradual mastering of the script and language of the three peoples and to that of the Babylonians as well. The excavations begun in 1842 at the palace of the Assyrian King Sargon, at Khorsabad, by Botta, and those at Nineveh, and Kalah by Layard, a few years after, furnished new inscriptions, but especially archæological material. Each Assyrian king was found to have built a new palace, whose ruins were uncovered. Line upon line of sculptured reliefs were found against the walls, gigantic animals guarding the portals, long inscriptions with the royal annals.

In the throes of artistic and archæological interest these first excavators lost sight of the value of the inscribed records. George Smith, years later, returned to the site of Layard's labors to unearth once more the royal library of Assurbanipal, whose thousands of tablets are now in the British Museum. It was formed shortly after 700 B.C., by the king's savants, largely from ancient sources. Assyriologists found in this carefully classified and varied library materials for reconstructing the dynasties of Babylonian and Assyrian kings, the religious systems and myths, the social, economic, juridic, and literary conditions, the methods of instruction, and the smallest matters of daily business. Even the vocabularies and exercise-books for beginners were recovered.

It soon became evident that the source for everything Assyrian was to be sought in Babylonia, from whose li-

braries so many of the Assyrian documents had been copied. For two or three thousand years before Assyria became a nation Babylonia had possessed an advanced civilization. For the past twenty years, therefore, excavations have been concentrated on the ruins of Babylonian cities, such as Babylon itself, Nippur, and Telloh, hidden under formless mounds of sand. Cognate civilizations have been studied at the same time, especially that of Elam and Persia at Susa, and that of the Hittites at their source in Cappadocia (Boghaz-Keui), not to mention work in Phœnicia and Palestine. In these later excavations archæologists have shown a gradual improvement in methods of research, so that they now remove the débris of an ancient city in successive layers, corresponding to different periods in its history, labeling and keeping together whatever is found on the same level, after making photographs and drawings, so that the tale of each period is clearly told. Among the earliest instances of this method are the excavations of Troy by Schliemann and Dörpfeld, but it is to the example of Flinders-Petrie in Egypt that we owe the greatest debt.

Archæology, therefore, furnished practically all the material for the reconstruction by modern scholars of the civilizations of Babylonia, Assyria, and the Hittites. One may say the same of ancient Egypt ever since the days of the Archæological Commission of Napoleon and the decipherment of the Rosetta stone. There is, however, the difference that in this case the artistic more decisively dominate the literary records in the new discoveries, and that one really enters into the spirit and life of ancient Egypt not by reading translations of Egyptian documents, but by studying the reliefs and paintings of the tombs, the pyramids, and the temples of Karnac, Luxor, Edfu, Philæ, and Ipsambul, and the myriad works of minor art and industry in which Egypt led the world.

At the present moment archæology is busy forging the missing links that connected these ancient civilizations of Babylonia and Egypt with the Greeks of the Mycenæan and Homeric ages and the early Italians. It is finding them in the "hundred cities" of ancient Crete, where royal palaces are being excavated as elaborate as those of the kings of Babylonia and Assyria. Here also the English archæologists were the pioneers, and Evans has been followed by Italians and Americans. Here seems to have been, in the

fabled age of King Minos after the Neolithic Age, the origin of an Ægean civilization older than 2500 B.C., which spread along the shores of the Mediterranean. Several new scripts and one or more languages were in use, which it will require years to decipher. In this way we obtain the right perspective for Schliemann's spectacular discoveries at Mycenæ, Tiryns, and Troy, which take their place in a long and complicated era of early culture, parallel with those of Egypt, Babylonia, and the Hittites.

After this, in the main currents of historic development, archæology must share with literature the credit of picturing the past. Yet we hardly realize, perhaps, how little Greece would be the Greece we visualize if we were to depend entirely on her literature, eliminating her architecture and her sculpture, the embodiments of her sense of beauty, and the minor arts which give the picture of Greek dress, jewelry, arms, and furniture, with all those concrete details of the daily life, the games and wars, the religious ceremonies, and the thousand and one things that literature leaves untold while telling us so much. Even Greek literature itself owes most of its recent slender additions to the work of the archæologists who have unearthed the papyri preserved in the sands of the Fayûm.

History repeats itself in the case of ancient Italy. For the pre-Roman age there is almost nothing but archæology to teach us what happened during a period of at least five or six centuries, when Siceliots, Umbrians, Etruscans, Celts, and other peoples succeeded one another in the peninsula. The story is still inchoate, but we can see interesting proofs of contact and commercial relations with Phœnicia and Greece and of the origins and early interaction of Rome and her neighbors. When we reach the later periods of Roman history, archæology takes an even larger place than in Greece as an expositor of civilization, because of the greater variety of monuments of art that remain. There is a great change from those days of the eighteenth century and before when the monuments served but to illustrate literature. Of course there are still many cases in which archæology contributes out of its abundance to the philologian or the historian. The Testament of Augustus, in which he summarizes his entire career, is an archæological discovery inscribed on a wall at Ancyra; it is the most important historical document of the

empire. The speech of the Emperor Claudius at Lyons in which he outlined the policy of giving Roman citizenship to non-Italians—so fundamental to Roman greatness—was found on a bronze tablet. These are examples of archæology's numerous contributions to Latin literature. So is the formula of the oath of allegiance to the divine Augustus found in Asia Minor, which would alone explain why the attitude of the Christians in placing obedience to God above that to the Emperor made the persecutions perfectly logical.

Here it may be as well to explain the relation of art to archæology, about which there is much popular confusion.

All works of architecture, sculpture, and painting, of the industrial arts and numismatics, everything from a tombstone to an ivory carving or an illuminated manuscript, belongs to the domain of archæology. It is impossible to say where art ends and archæology begins, because art is merely one section of the subject. The same work must be considered both archæologically and esthetically. A Greek vase, with its lesson in mythology or daily life, is both a work of art and a bit of archæological material; the ruins of a Roman villa or of the imperial thermæ are not only wonderful pieces of architectural composition and structure, but are quite as illuminating for the daily life of the Romans as the letters of Cicero or the plays of Martial. It is no longer permissible to treat the monuments merely as illustrations of literature: they are an independent study.

The process by which a work of art is characterized and given its proper place, whether it is temple, cathedral, statue, or painted vase, is made up of elements both esthetic and archæological. For instance, the use of literary texts, of historical documents, of deductions from site, structure, circumstances of find, are all in the archæological domain. Also when generalizations as to the character of the artistic development of any period or style are made, as in the case of Greek sculpture or Gothic architecture, nearly all the elements for the construction of a theory of artistic evolution are archæological. By their means the monuments are marshaled in ordered array, each made to take its place and yield its secret. In other words, without archæology as a basis and coefficient, esthetics would not exist except in the form of subjective effusions of doubtful value.

It is, then, archæology which creates the History of Art.

Of course it is, conversely, true that complete appreciation either of a single work of art or of any group cannot be secured without the element of esthetic understanding which every true archæologist should possess. There is, however, a curious popular custom which inclines to call "archæological" what seems not to be beautiful. For example, we speak of Early Christian *archæology* when we refer to the works of art created during the first centuries of the Church, because art was then more instructive than esthetic. But we are apt to refer to medieval *art*, having in mind the beauties of Gothic cathedrals. We never use "archæology" with reference to the works of the Renaissance, which was so devoted to the cult of beauty for its own sake that we classify all of its products under the title of "art." And yet both terms are used of Greek products. A handbook of Greek Archæology includes the whole of what one finds in a History of Greek Art, with the addition of a few chapters, perhaps, on works of industrial art. Yet, as between the Greek and the Renaissance periods, there can be no doubt that greater esthetic sense was shown in Greek works, so that one is forced to conclude that the term "archæological" is used of them merely on account of their greater antiquity!

II

Thus far archæology has been treated as furnishing the materials for exact knowledge of the past through the spade and through close study and observation. But it has done far more than this. It has developed gradually, during the course of a century and a half, certain valuable scientific methods by which to utilize this material and draw from it the most valuable conclusions. With these new methods, of which it borrowed the principles from the exact sciences, it has inoculated the fields of history and philology, helping to rid them of much loose and hypothetical thinking. In fact, it has given a scientific and observational basis to a large part of the field of the Humanities. Its careful application of the inductive and deductive methods in gathering and analyzing masses of material and in using them to formulate results and to state historic laws has made its work often safer than is the case even in some fields of pure science, because its data are more abundant and complete.

This has not only given their full value to what has been discovered, but it has revolutionized the views held of monu-

ments always seen and known, but never, as we now know, clearly understood. Gothic architecture may be used to point this moral. The old opinion was that it was a free and fantastic product, not subject to any laws, and was to be recognized wherever one saw pointed arcades, doors, and windows. Now we know that the exact opposite is true, and that of all forms of architecture the Gothic was the most logical, the most subject to law; we also know that there are plenty of buildings with pointed arches that are not Gothic, and plenty of buildings without them that are. Formerly we had no artistic criteria by which to date a Gothic building; now we can date almost any such building on internal evidence within twenty or thirty years. Formerly nobody knew where Gothic originated nor how its first steps were taken nor why its peculiar forms were adopted. Now we know exactly in what province of France it originated, what structural principles demanded the system of balanced thrusts which it adopted, and we can follow, decade by decade, the logical evolution of forms as they were worked out to correspond most efficiently to these principles. We can then follow the spread of Gothic throughout France and Europe.

All this is the result of the application of scientific methods of observation to the study of architecture instead of the earlier esthetic vapidities. This does not result in belittling the artistic value of Gothic buildings. Quite the contrary. We can see how the architect experimented with his materials in order to reduce their bulk and attain to the greatest delicacy of form and lightness of proportion; how the early heaviness was gradually discarded under the impulse of this idea until the limit of safety was passed in the wonderful choir of Beauvais Cathedral! By being admitted behind the scenes and being allowed to understand the artists' difficulties and methods, we obtain not only a clearer idea of how a cathedral came to be, but we appreciate more fully its beauty.

What is true of Gothic architecture is true of every branch of art and industry. The real significance of all the material things produced by man, their relation to thought and life and their correlation to one another, is so recent and so blinding that it is hardly as yet understood that any attempt to study the world's past without their help is bound to be futile, misleading, or superficial.

It is, therefore, customary to consider archæology as a very modern study, and to speak of Winckelmann as its founder after the middle of the eighteenth century. While this is true in a large and critical sense, it is interesting to note that there has been at all times a certain amount of unconscious archæology, and that the work of a student traveler like Pausanias, under the Antonine emperors, is even conscious archæology. As for unconscious archæology, it was particularly influential among races dominated by religious beliefs, myths, and traditions of all kinds. Among them archæology was a living study of great importance, a matter of life and not of curiosity.

When the late Babylonian King Nabonidus, about 550 B.C., stated that he was restoring in the original style a temple built more than two thousand years before him by King Naramsin, he was, or thought he was, doing the work of an archæological scholar. When the Roman priests, under the Antonine emperors, continued to use in their sacrifices only the primitive black earthen cups that had been in use for nearly a thousand years, since before the founding of Rome, they were practical archæologists. When the Emperor Augustus insisted on having copies of the best works of Greek sculpture of different ages and styles made in the exact manner of the originals, including archaic works, he was obliging his sculptors to be archæologists. The Emperor Claudius, who wrote on antiquities and used archaicisms, was lampooned by scurrilous Romans as a pedantic archæologist; and Hadrian, the Philhellene, among his many efforts at resurrecting ancient Hellas, can count the revival of the Pergamene and Alexandrian styles of sculpture. Evidently, also, the Roman collectors of works of Greek art were even better archæologists than the corresponding collectors of the Renaissance, because they understood the significance of the works far better. It would not be difficult to find examples in post-classical times: among medieval miniaturists who reproduced illuminations several centuries old; among Renaissance artists like Michelangelo and Raphael, who were so successful in reincarnating antique forms.

It is a curious fact that the one man who can be pointed to as preceding Winckelmann to a certain extent as a real scientific archæologist is not in the field of classical studies, but in that of Christian archæology. He is Bosio, a Roman

priest of the seventeenth century (1629), who originated the scientific methods by which the Roman catacombs were made the basis for our study of early Christian life.

Winckelmann's revolutionary idea was the formulation of a philosophy of the history of art and of the theory that works of art and archæology should be studied for their own sakes, instead of as illustrations of ancient literature, and as parts of a well-ordered whole instead of as unrelated objects of curiosity. It appears to be forgotten that what he did for a History of Ancient Art the Frenchman Seroux d'Agincourt attempted immediately after to do for the entire post-classic age. It seems also to be forgotten by many that, while Winckelmann's methods were published between 1760 and 1767, they did not bear full fruit until after the founding at Rome in 1828 of the International Archæological Institute, with its splendid series of publications and its co-ordination of effort. Ottfried Müller gave, in 1830, the synthesis of the new movement in his *Manual of the Archæology of Art.* In the great era of excavation which had been opened by the discovery of Herculaneum in 1719 and continued at Pompeii after 1748, the increased knowledge of Roman art was paralleled by additional revelations regarding Greek sculpture through the bringing to western Europe of the archaic sculptures of Ægina and those of Phigaleia and the Parthenon. Very soon the opening of numerous tombs in Italy disclosed the wonderful minor arts of Hellas and Etruria, especially in jewelry and painted vases.

While these early excavations previous to 1850 were in the nature of looting forays, they afforded to archæologists for the first time a fairly well-rounded survey of the various branches of the art and industry of Greece and of the peoples connected with her. The scholars of the Roman Institute took instant advantage of this, and to their inspiration was largely due the immediate emulation in discovery of France, Germany, and England. Previous centuries had been content to travel and study what was above ground. The new school realized that what was visible was but a small fraction of what could be unearthed. At the same time there was no surcease in exploration. The new science gave different eyes for understanding the things above ground. There were also important regions of Asia Minor, Syria, and Roman Africa which had never been archæologi-

cally explored. Even now this work has not been completed. The founding of the German and French archæological schools at Athens gave a great impetus to excavation, especially after the spectacular success of Dr. Schliemann at Troy and Mycenæ, and that of the Germans at Olympia. In quick succession came Eleusis, Epidaurus, Delos, and Delphi. In the hands of Austrian, English, and German excavators the Greek cities of Asia Minor gave unexpectedly fruitful finds at Pergamon, Halicarnassus, Miletus, Ephesus, Priene, and Magnesia. At Priene an entire city of the Alexandrian age was laid bare. In several of these Asia Minor cities, and in others whose ruins are above ground, we can also study the amalgamation of Greek and Roman civilization. Then a revelation of the purely Roman work of extending civilization came in the exploration of the abandoned cities of Central Syria and in the study and excavation of those in North Africa through the occupation by the French of Algeria and Tunisia. At the same time the period immediately following, the age of the incubation of Christianity, was revealed in the exploration of the Roman catacombs by De Rossi and his masterly unveiling of their secrets.

The sharpening of the critical and intuitive faculties upon this mass of new material affected, as we saw in the case of Gothic architecture, the attitude of scholars toward the rest of the field, especially those of the Medieval and Renaissance periods, where there was little to uncover, but where application of the new historico-scientific methods effected quite as radical a revolution in the ability to understand and correlate the monuments. Between about 1850 and 1860 it may be said that the New Idea had penetrated every field and was being embodied in the literature of the subject, and especially well in such general histories of the monuments as Kugler and Schnaase. In each country a solid basis was being given to the history and science of the national antiquities by the organization of associations, by congresses, and by the new chairs for teaching the subject at the universities and even the schools. In this process the science and its irresistible trend is everything; the individual is of small account. Yet certain archæologists of the last fifty years emerge as among the greatest scholars that the world has seen, directing the current and setting a permanent seal upon men and things. Such men were

Mommsen, who practically created the science of Roman antiquities and history; De Rossi, who gave us a complete science of Early Christian archæology; Evans, who has brought into being both the material and the science of Early Ægean civilization. Hundreds are following the paths they have blazed.

In European universities the teaching of archæology as an independent department has long been recognized and is also carried on sometimes, as in the École du Louvre, in connection with large museums. Special courses in Egyptian, Babylonian and Assyrian, Greek in many branches, Roman, Christian, Medieval, and Renaissance monuments in many branches, have been well established for thirty or forty years throughout Europe. Only American institutions have remained indifferent and retrograde. In the rank and file of workers the Germans show the greatest pertinacity in elaborating special themes; the French are paramount in clear-eyed and facile exposition without loss of scholarship.

There is increasing danger, however, in the craze for specialization which has been invading all professions and pursuits, and a study of French methods and temperament is the best antidote. It cannot be too strongly felt that there will always be discoveries and visions from analogy and comparison hidden from the *specializing* archæologist who cannot draw suggestions from the enormous field outside of his specialty; just as there will be truths denied to the insight of the *generic* archæologist, because life is too short for him to delve into the minutiæ of certain fields in which he is interested owing to the very breadth of his studies. It is a question of relative values. Certainly it is the archæologist of considerable breadth whose work will be of most real and lasting value, though the practical man who merely directs excavations and the man who carefully describes and labels a particular monument or a special class are both indispensable. There are exceptional men, like Flinders-Petrie and Evans, who can do all of these things.

While there is but little excuse for the lack of instruction in this field in America, there is an evident explanation—or rather there are several explanations. In the first place, patriotism has played a big rôle in the archæological awakening of Europe: the stimulus was given in large part by the wish to elucidate national monuments. With us there is no

material of the sort; our interest must be purely academic. Then it will be granted that if the basis of an understanding of the subject must be contact with the monuments, we are and must always be at a serious disadvantage. While the rapid increase in our public and private collections promises a tolerable opportunity for a future familiarity with *movable* works, we not only cannot hope to overtake European collections, but our distance from the whole field of the immovable monuments sets up a barrier that only temporary expatriation can occasionally overcome.

Aside from our special conditions, it is clear that in all archæological instruction there must be the closest interrelation with the work of certain other departments. A prerequisite to admission to courses in archæology and the history of art must be acquaintance with the history and, wherever possible, with the literature of the period. For advanced courses a knowledge of religion and mythology, laws and institutions, manners and customs is necessary. It is well understood in Europe that this study is advisable in the years corresponding to our undergraduate period,because it is the only study in the humanistic field which not only trains the esthetic sense, but all the powers of observation.

For the immediate establishment of post-graduate courses there is the special practical incentive of our absolute lack of trained specialists to take charge of the museums that have been and will be founded in our larger cities and even in such small cities as Worcester. Such specialists can be produced only by means of the same university training which is freely offered in Europe. Unless this is done, our museums will suffer and be forever crippled. One strong university department of this character might effect a revolution. But it must be established where a large museum can constantly be referred to, and it must also be provided with enough traveling fellowships to allow each student of promise, who intends to take a degree in archæology in order to qualify as teacher or curator, to study the monuments themselves for one if not for two years. From such a center there would spread the New Idea that archæology is not a means, but an end; not an esthetic excrescence or a by-product of the body educational, but a science both independent and fundamentally interrelated with other humanistic studies and worthy of an important niche in the educational Hall of Fame. ARTHUR L. FROTHINGHAM.

A GREAT ENGLISH PORTRAIT-PAINTER

BY GAMALIEL BRADFORD, JR.

England has no great portrait-painter of the Renaissance to put beside those of Italy, of the Low Countries, and of Spain. If her brave men and fair women of the first part of the seventeenth century still live on canvas, it is mainly thanks to a foreign artist who found early that the English could pay, though they could not paint. They could also use the pen if not the brush. Neither Sir Joshua nor Gainsborough later, not even Vandyke or Velasquez or Titian, could have painted English gentlemen more grandly or more imperishably than did Edward Hyde, Earl of Clarendon.

He has painted himself at full length, at very great length, with a power and an insight not uncomparable to the best in the Uffizi chamber of self-portraiture. Side by side with his great history runs the slighter current of his own life, slighter, but clearer, gayer, more vivid, with less ample curve, less solid majesty, as a plain prose outline by a finished poem.

He was a man who mingled early with great people and great things and liked to look upward; for he "never knew one man, of what condition soever, arrive to any degree of reputation in the world who made choice of or delighted in the company or conversation of those who were inferior or in their parts not much superior to himself." It was thus that he sought the society of Selden, of Cowley, of Carew, of Ben Jonson, who knew the human heart and perhaps taught his young friend some of its secrets. Of Selden, Hyde says, simply (writing as usual in the third person), "He always thought himself best when he was with him."

Then there came days of trouble in England, and Hyde was in the thick of it, so that no man ever lived who had more chance of seeing good sides of human nature, bad sides, all sides, than he. He not only saw, but acted with hand and

brain. He loved freedom, but he also loved old, sacred things, and stood for the Crown, if not always for the King. His masters made him Lord Chancellor, and listened to his advice, and sometimes heeded it, and sometimes not, and perhaps might not have profited even if they had.

Then came ruin and despair and exile. And Hyde was often wise and always faithful. With the Restoration he grew very great and was honest at heart and strove against the overwhelming stream of corruption about him perhaps as effectually as one man could. "Had it not been for the firmness of the Earl of Clarendon the liberties of the nation had been delivered up," says the blunt Burnet. And Pepys: "I am mad in love with my Lord Chancellor, for he do comprehend and speak out well and with the greatest easiness and authority that ever I saw man in my life. . . . He spoke indeed excellent well; . . . his manner and freedom of doing it as if he played with it, and was informing only all the rest of the company, was mighty pretty."

Here we begin to detect the weaknesses, as, indeed, they may be detected in the man's own account of himself. He was haughty and unapproachable, "a man not to be advised, thinking himself too high to be counseled," says Pepys again. Worse still, damnably worse, to Charles the Second's thinking, he was tedious. Says Burnet: "He was also all that while giving the King many wise and good advices, but he did it too much with the air of a governor or a lawyer." What the King felt about it Clarendon himself lets us see, involuntarily, when he writes of the Stuarts in general: "They did not love the conversation of men of many more years than themselves, and thought age not only troublesome but impertinent." And I say to myself, Polonius, oh, Polonius, for all the world! Polonius was wise and shrewd and really full of good counsel. But he was tedious. And that other great painter, Saint-Simon, also played a weary Polonius to the mad Duke of Orleans.

So the King's patience gave out at last. That of others had given out long before. The Chancellor made a good fight, recovering himself again and again when no recovery seemed possible. But his enemies were too many for him, and succeeded in driving him once more into exile, from which he never returned. He bore himself bravely, which was well. And prided himself on it, which was perhaps less well. He himself says: "The truth is the Chancellor was guilty of

that himself which he had used to accuse Archbishop Laud of, that he was too proud of a good conscience." Nevertheless, he confesses with charming frankness the very one of his faults which was most treasured against him, his love of grandeur, display, extravagance; and admits the folly of his huge new mansion which overshadowed the King's: "He could not reflect upon any one thing he had done of which he was so much ashamed as he was of the vast expense he had made in the building of his house." He "could not find any house to live in except he built one himself (to which he was naturally too much inclined)." And in exile "he remained still so much infected with the delight he had enjoyed" that he was unwilling to sell.

Meantime, thus driven back upon himself, he gave his idle hours to building an even grander mansion in which we can all wander to-day and see a richer collection of portraits than that which made Clarendon House the envy of all contemporaries.

The *History of the Rebellion,* as mere writing, leaves much to be desired. It is not readable. The course of the story is clogged with ill-digested material, letters, petitions, despatches, statutes. Toward the end these diminish in number and the action becomes more closely knit and vigorous. There are in the later volumes many bits of swift and vivid narrative, notably the admirable account of Charles the Second's escape after the battle of Worcester. Still, to make any continuous and steady progress in the book requires a reader of patience and perseverance. Even in the great battle-pieces the historian is by no means at his best. They are confused, slow, lacking in tense and salient situations. Now and then a gorgeous high light strikes a fair head or a glittering cuirass, but the general course of things is lost in smoke.

For Clarendon has not only the Elizabethan cumbrousness in the conduct of his story, he has the Elizabethan inarticulateness. He may have known Dryden, if he condescended to look down so far. He knew nothing of that inimitable march of common prose which Dryden learned from French clarity and native wit. Clarendon has often Milton's grandeur. He also has too often Milton's heaviness and a trailing incoherence outdoing Milton's. He himself accuses Selden of "a little undervaluing the beauty of style and too much propensity to the language of antiquity."

But to eyes of the twentieth century his own writing seems liable to the same accusation. He has sentences of a singular, haunting grace and beauty: "He had no ambition of title or office or preferment, but only to be kindly looked upon and kindly spoken to and quietly to enjoy his own fortune." He has many others which an American schoolboy would be ashamed of, like this wandering concatenation of relatives: "The Prince left a strong garrison there that brought almost all that whole county into contribution, which was a great enlargement to the King's quarters, which now, without interruption, extended from Oxford to Worcester, which important city, with the other of Hereford and those counties, had before been quitted by the rebels." It may be said that such faults should be overlooked in a great writer, but it is precisely because of them that the modern general reader shuns Clarendon and knows nothing of him.

In his political and philosophical view of human affairs at large Clarendon is distinctly a moderate, even a liberal. He prefers the old constitution and traditions of England. He has no love for the extreme vagaries of Puritans in religion or of republicans in matters of state. Yet no one appreciates more clearly than he the errors and excesses of Stuart absolutism, even before the Restoration: "I pray God the almighty justice be not angry with and weary of the government of kings and princes, for it is a strange declension monarchical government is fallen to, in the opinion of the common people within these late years."

It is not, however, with Clarendon's attitude toward life in general that we are here concerned, but with his portrayal of men and women, of the human heart. Though we employ to some extent the phraseology of painting, it is essential to realize the difference between the two methods of representation which Lessing long ago discussed so fruitfully. Lines and colors give us at once the individual face. This words can never do. You may analyze features, you may dissect expressions, you may pile detail upon detail. But the more you elaborate the further you get from unity of effect. The more you charge memory with particular outlines, the less you succeed in producing a complete, definite, permanent image. "The description of a face is a needless thing, as it never conveys a true idea," says Lady Mary Montagu, curtly, but in the main justly.

No. The art of the word painter is suggestive. Take, in a little different field, the line of Keats,

"Fast-fading violets covered up in leaves."

The landscape artist can render the violets peeping from their leafy covert with infinite delicacy and grace. What he can never render, except as he finds a willing spirit to interpret, is the poet's comment, the world of reflection and emotion contained in the epithet "fast-fading." So with the portrayal of men. The cunning artist who has only words at his disposal will not delay long in trying to convey exactness and completeness of lineament. He will strike out some quick touch of feeling, some hint of passion, some profound association of thought or achievement or desire. This will not always be confined to the spiritual world. It may be intensely physical. But the effect will be an effect of suggestion, not of reproduction. That is the essential point. Thus Shakespeare gives Cassius "a lean and *hungry* look," and Milton's Satan appears not "less than archangel ruined and the excess of glory obscured." Thus Tacitus depicts Otho "stretching out kind hands, flattering the mob, flinging kisses, *doing all things like a slave that he might rule all things.*" Thus Saint-Simon strikes off one of his minor figures, tumbling body and soul together in passionate hurly-burly: "She was starched, made up, always embarrassed, a wit scarce natural, an affected devotion, full of outwardness and odd fashions; in two words, nothing amiable, nothing sociable, nothing natural; tall, straight, an air which wished to impose, yet to be gentle; austere and distinctly verging on the bitter-sweet. No one could get on with her, and she could get on with nothing and nobody. She was charmed to have done with it all and go, and no one had the slightest desire to detain her." Whoever reads Clarendon faithfully will see that in this art of suggestion, of stimulating the imagination, he is one of the richest, the mightiest, the most fruitful of all the great masters of words.

The chief danger which besets the painter of soul is rhetoric. Words are his instruments. He must keep them bright and polished, must get from them all their resources of music and power, study them, profit by them always with fertile variety and endless inspiration. But they must be his servants, not his masters. He must make all this use of them by instinct, as it were, for his eyes, his thoughts, his

whole heart must be always on his subject. He must be penetrated by it, wrapt in it; it must speak right through him and dominate all his powers of expression in instinctive service. The instant we feel that he is thinking more of his effects than of his characters, that tricks of speech are more to him than secrets of soul, that instant we lose our confidence. He may amuse, he will rarely inspire.

Of course every writer has his rhetorical moments. There are turns in Tacitus, turns in Saint-Simon, that one could wish away. When Clarendon says of the Earl of Arundel that "he resorted sometimes to the court because there only was a greater man than himself, and went thither the seldomer because there was a greater man than himself," we feel that he is even more anxious to show Clarendon's cleverness than Arundel's vanity. But in the really great soul-painters these slips are rare, because their passion for human truth engrosses them beyond anything else. In lesser men the passion for human truth is a less serious matter. Macaulay's *History of England* is as rapid, as brilliant, as absorbing as a well-constructed drama. If only one could rid one's self of the impression that one is watching a clever variety actor doing tricks!

What interests Clarendon is not tricks, but men. To be sure, with him as with Saint-Simon the gift lies quite as much in imaginative portrayal as in moral insight. It is the new word, the old words used new ways, the significant touch, the illuminating flash. But the difference from Macaulay is simply that the other two think of the subject first, of the word only second, if at all.

Nor do I wish to imply that Clarendon's insight is less than his imagination. He could not have painted if he had not seen. The fine secrets, the deeper places of the human heart, are open to him. Gardiner refers to "his usual habit of blundering," and altogether treats him with a good deal of contempt as a rather pompous, rather conventional, rather timid and eminently legal sort of personage. Warburton, Clarendon's earliest commentator, speaks differently: "In the knowledge of human nature (the noblest qualification of the historian) this great author excels all the Greek and Latin historians put together." This is strong language, but the *History* and *Life* go far to justify it. Personally Clarendon had his foibles (Saint-Simon even more so), but I think most of us had rather blunder immortally with him

than be mortally accurate and commonplace with the industrious Gardiner.

Although Clarendon does his work always with conscientious earnestness, this does not mean that he puts no humor into it. Like Saint-Simon, he saw the oddities, the farcical contrasts between human infirmity and human greatness. Like Saint-Simon, he expressed them with an intense, incisive vigor which makes us sigh even as we smile, or, if you prefer, the other way about. Sometimes, indeed, his humor, like Pepys's, is unintentional, as when he speaks of "Colonel d'Ews, a young man of notable courage and vivacity, who had his leg shot off by a cannon bullet, of which he speedily and very cheerfully died." More often he smiles himself and lets the reader see that he does, though briefly and with compressed lip, as befits a chancellor and one weighted with the charge of state affairs—

"Silent smiles, the gravity of mirth,"

as the old poet calls them. Now it is a dry comment on some solemn scene, like that on Blake's funeral, recalling Voltaire's remark that Admiral Byng was shot *pour encourager les autres:* "He wanted no pomp of funeral when he was dead, Cromwell causing him to be brought up by land to London in all the state that could be; and, according to the method of that time, to encourage his officers to be killed, that they might be pompously buried, he was, with all the solemnity possible, and at the charge of the public, interred in Harry the Seventh's chapel, among the monuments of the kings." Now it is a witty, if cynical, epigram dissecting the heart or brain of some great personage, as of the Earl of Arundel: "He did not love the Scots; he did not love the Puritans, which good qualities were allayed by another negative; he did love nobody else."

In accordance with what I have said above as to the limits of word portraiture, Clarendon is cautious in his attempt to depict physical characteristics. He is much more conservative here than Saint-Simon, who has cruel words for immortalizing ugliness, as in his sketch of Mezières: "Humped both before and behind, his head in his chest far down below his shoulders, hurting you to watch him breathe; mere bones, moreover, and a yellow face that looked like a frog's." Clarendon has nothing of this kind. Yet he has a rough vigor of his own in dealing with the earthy

frame of even royal personages. Of James the First's death he says: He "fell into a quartan ague, which meeting many humors in a fat, unwieldy body of fifty-four years, in four or five fits carried him out of the world." When soul is to be read by body, he has subtle observations often, as in the case of Sir Henry Vane: "He had an unusual aspect, which, though it might naturally proceed from both father and mother, neither of which were beautiful persons, yet made men think there was somewhat in him of extraordinary; and his whole life made good that imagination." And equally so when soul is not to be read by body, but masks foul evil under bodily simplicity: "He [Goring] could help himself with all the insinuations of doubt, or fear, or shame, or simplicity in his face that might gain belief to a greater degree than I ever saw any man; and could seem the most confounded when he was best prepared, and the most out of countenance when he was best resolved, and to want words and the habit of speaking when they flowed from no man with greater power." Few writers have ever painted more vividly the mighty influence of the soul over the body. Thus Falkland, after the peace between King and Commons was at last broken, "grew into a perfect habit of uncheerfulness; and he who had been so exactly unreserved and affable to all men that his face and countenance was always present, and vacant to his company, and held any cloudiness and less pleasantness of the visage a kind of rudeness and incivility, became on a sudden less communicable and thence very sad, pale, and exceedingly affected with the spleen."

If we wish to compare two great English word-painters in this matter of physical description, we can take Clarendon and Burnet on Lauderdale. Clarendon, like Rembrandt, prefers suggestion, atmosphere, touches the gross, material singularity with vigor, but with speed. "The fatness of his tongue that ever filled his mouth." Burnet, with the flat, brusque energy of Hals, dwells on ugly detail till it takes almost the propostion of monstrosity: "He made a very ill appearance; he was very big; his hair red, hanging oddly about him; his tongue was too big for his mouth, which made him bedew all he talked to."

It is by these brief touches, in both the physical and moral world, that a great artist gets often his most lasting effects, impressions that fix themselves upon the memory and recur

immortally, not only in association with that special character, but with others whom they fit and illuminate. Here no one has ever equaled Tacitus, whether in the familiar bits, "he would have been thought of all men the most worthy to reign if he had never reigned"; or in those less known: "he could squander, but he could not give"; "he gave, but sparingly, and not as one about to die."

Amplitude, not brevity, is Clarendon's distinguishing characteristic. Yet when he chooses he can fling one sentence at a man that will stick to him forever. "Wilmot was of a haughty and ambitious nature, of a pleasant wit, and an ill understanding, as never considering above one thing at once; but he considered that one thing so impatiently that he did not admit anything else to be worth consideration." Cowley "had an extraordinary kindness for Mr. Hyde [Clarendon himself] till he found he betook himself to business which he believed ought never to be preferred before his company." Selden "would have hindered them [the Parliament], if he could, with his own safety, to which he was always enough indulgent." St. Albans "had that kindness for himself that he thought everybody did believe him."

The historian is more at ease, however, when he takes a little wider sweep. To enumerate, or even to suggest, the elaborate, splendid portraits which fill page after page of both the *Life* and the *History* would be altogether impossible. Will not some one some day pay Clarendon the deserved honor of isolating these from the clogging context, as has been done most successfully in the very similar case of Saint-Simon?

I will at least quote a single specimen, not perhaps one of the most alluring, but finely representative, the full-length of Cottington taken after his death:

"He was a very wise man, by the great and long experience he had in business of all kinds; and by his natural temper, which was not liable to any transport of anger or any other passion, but could bear contradiction and even reproach without being moved or put out of his way, for he was very steady in pursuing what he proposed to himself, and had a courage not to be frighted or amazed with any opposition. . . . He lived very nobly, well served and attended in his house, had a better stable of horses, better provision for sports (especially of hawks, in which he took great delight), than most of his quality, and lived always with great splendor; for though he loved money very well, and did not warily enough consider the circumstances of getting it, he spent it well all ways but in giving, which he did not affect. He was of an excellent humor, and very easy to live with; and, under a grave countenance, covered the most of

mirth, and caused more than any man of the most pleasant disposition. He never used anybody ill, but used many very well for whom he had no regard: his greatest fault was that he could dissemble and make men mirth and caused more than any man of the most pleasant disposition. He had not very tender affections, nor bowels apt to yearn at all objects which deserved compassion: he was heartily weary of the world, and no man was more willing to die, which is an argument that he had peace of conscience. He left behind him a greater esteem of his parts than love to his person."

If it be inferred from this and some of my other quotations that Clarendon painted common or unlovely natures best, it may be answered that he lived amid the shock of fierce ambitions and cruel selfishness, and for contrast the reader may turn to the much longer and exquisite study of Falkland and to some others in the beginning of the *Life*.

It will be asked, how far was the painter influenced by his own prejudices in painting both dark and bright? Every man is influenced by them; but he, I think, not much further than most of us would be in writing of our own contemporaries. Human character is an unstable thing, an ample, shifting thing, altering with every angle of vision, like a far mountain or a summer cloud. Therefore no study of it is final. Only that made by a man of genius is rich in suggestion and permanent in beauty. When Clarendon analyzes Hampden and Cromwell, we know that we must allow something for cropped crown and steeple-hat. When he says of the Earls of Pembroke and Salisbury that "they had rather the King and his posterity should be destroyed than that Wilton should be taken from the one of them or Hatfield from the other; the preservation of both from any danger they both believed to be the highest point of prudence and politic circumspection" we have to remember that these were Parliamentary commissioners. Likewise the praise of Laud, aptly mingled with shrewd blame, is such as befits the august head of the Episcopal Church. And in the summing-up of the whole matter of Charles I. we admire the historian's ingenuity rather more than his judgment: "If he were not the best King, if he were without some parts and qualities which have made some kings great and happy, no other prince was ever unhappy who was possessed of half his virtues and endowments and so much without any kind of vice."

What I miss most in Clarendon, considering the extent of his portraiture, is any elaborate study of women. Did he

respect them too much, or fear them too much, or despise them too much? Of his own first wife, who died young, he says: "He bore her loss with so great passion and confusion of spirit that it shook all the frame of his resolution." Doubtless out of compliment to her memory, he soon married a second "with whom he lived very comfortably in the most uncomfortable times and very joyfully in those times when matter of joy was administered." Perhaps he thought the privacy of the sex should be considered, even in an age when they did not much consider it themselves.

He certainly did not approve of feminine interference in politics. "There being at that time," he says of the early, better days, "no ladies who had disposed themselves to intermeddle in business"; and, later, of the difficulty of managing the court at Oxford, "the town being full of lords and many persons of the best quality, with very many ladies, who were not easily pleased and kept others from being so." His most bitter opponent under his first master was the Queen, and under his second the royal mistress. Yet of neither has he left any such finished picture as of his male friends and enemies.

How different is this from the way of Tacitus, who touches so many women briefly, as in everything, but masterfully, like the wife of Vitellius, *ultra feminam ferox.* How different especially from Saint-Simon, whose pages swarm with women, delightful or hideous—the Duchesse de Bourgogne, the Duchesse du Maine, the Princesse des Ursins, a hundred others, and, above all, Madame de Maintenon, whom he detested as Clarendon did Lady Castlemaine, but did not therefore refrain from painting in every light and in every shadow. Madame de Maintenon, "whose passion it was to know everything, to meddle in everything, to govern everything." Madame de Maintenon, "who for kinship's sake loved those who had repented much better than those who had nothing of which to repent."

Surely Clarendon's opportunities for studying women were no less than Saint-Simon's. He saw two queens daily, and their ladies, high and low. Doubtless he understood them, or thought he did. But he makes little attempt to have us understand them. Only rarely does he throw off a careless suggestion of some minor figure. There is Mademoiselle de Longueville, who "was looked upon as one of the greatest and richest marriages in France in respect of her

fortune; in respect of her person not at all attractive, being a lady of a very low stature, and that stature no degree straight." There is Lady Monk, "a woman of the lowest extraction, least wit, and less beauty, who, taking no care for any other part of herself, had deposited her soul with some Presbyterian ministers, who disposed her to that interest." There is the wife of Prince Rupert, who, "from the time she had the first intimation that the King had designed her husband for the command of the fleet, was all storm and fury; and according to the modesty of her nature poured out a thousand full-mouthed curses against all who had contributed to that counsel, . . . but the company she kept and the conversation she was accustomed to could not propagate the reproaches far; and the poor General felt them most, who knew the Chancellor to be his very faithful and firm friend, and that he would not be less so because his wife was no wiser than she was born to be."

Also, as compared with Saint-Simon, it seems to me that Clarendon is less successful in depicting groups of figures—that is, great historical scenes and critical situations. He has, indeed, some that are very striking: the death of Buckingham, the arrest of Charles I., the humiliation of the second Buckingham, the death of Falkland. But he sometimes fails when we expect him at his best. For instance, the trial of Charles is passed over very lightly. And he has nowhere anything that approaches the great scenes of Saint-Simon, such as the feeding of the carps or the deaths of Monseigneur and the Duc de Bourgogne.

I end by asking myself what was Clarendon's motive in his immense undertaking. "If," he says in one passage, "the celebrating the memory of eminent and extraordinary persons and transmitting their great virtues to posterity be one of the principal ends and duties of history. . . ." No doubt he thought it was so, and labored valiantly for that object. But a great painter likes to immortalize himself as well as others, takes legitimate delight in the skilful touches of his art. Clarendon must have found in his own and others' word-painting the keen pleasure which Saint-Simon displayed so naïvely on hearing of a clever saying of Louis XIV.'s: "When Maréchal told me this I was overcome with astonishment at so fine a stroke of the brush."

Also Clarendon must have had the passion for studying mankind. He is conservative, as always, in the expression

of this: "I was at that time no stranger to the persons of most that governed and a diligent observer of their carriage." This is sober compared even to the frankness of Pepys: "And I, as I am in all things curious," let alone the inquisitive fury of Saint-Simon: "This fact is not important, but it is amusing. It is especially significant with a prince as serious and as imposing as Louis XIV.; and all these little court anecdotes are well worth while." "I *skimmed off* a few of these details on the spot." "For me, I glutted myself with the spectacle," yet Clarendon unquestionably derived immense pleasure from his rich opportunities for reading "bare soul."

And with all his experience of what was dark and evil I do not think his observation was unkindly. He could be cruel with the cruel and cynical with the cynical, but he retained more of human tenderness than Saint-Simon; more, much more than that other masterly English painter, John, Lord Hervey. Clarendon had, indeed, honestly tried to do his best for his country. He had been deceived, betrayed, mocked, slandered, ruined, exiled. What wonder that he summed up his knowledge of the world with a little bitterness. "He had originally in his nature so great a tenderness and love towards all mankind that he . . . did really believe all men were such as they appeared to be. . . . These unavoidable reflections first made him discern how weak and foolish all his imaginations had been and how blind a surveyor he had been of the inclinations and affections of the heart of man [and of] this world, where whatsoever is good and desirable suddenly perisheth and nothing is lasting but the folly and wickedness of the inhabitants thereof."

It was on a dark day in a sad, strange land that he wrote that. Nevertheless, his great books show everywhere the desire for what is noble and of good report; nay, more, the real, lasting love of his fellow-men, not only as they might be, but as they actually are, which remains, I think, the firmest secret of human felicity.

GAMALIEL BRADFORD, JR.

THE CITY OF THE ROYAL PAVILION

BY W. D. HOWELLS

EVERY large town in Great Britain has its penny railway guide, which is framed as far as may be on the lines of the enduring Bradshaw. The large cities, like London, Liverpool, Manchester, and Edinburgh, have each an A B C guide which alphabetically instructs how and when to get away from it and how to get back, but indulges no vagaries as to other arrivals and departures at the objective point. We trusted the London A B C to bring us to Tunbridge Wells, and we were not betrayed; we chose a hotel, with alternates, from it, and we could not blame it because all these hotels were full-up. But when it came to going, for instance, from Tunbridge Wells to Brighton, we were thrown, in our fear of the labyrinths of Bradshaw, upon the penny guide of the place. The reader, sitting at ease with this REVIEW in his hand, will think it very simple to choose between an express train leaving at 3.28 and a way train leaving at 3.45; and so we found it; but we chose the 3.45, without noticing the 3.28, and we knew nothing about that till the most amiable of porters got us a most eligible compartment in it. Then we cast about for our baggage, and it was nowhere to be seen, though it was of very visible bulk, and the porter began looking into the different vans for it, but finding it in none. We had sent it in good season by an out-porter with a hand-cart, and we blamed him severely, for the express train would start in five minutes. Our railway porter ran to and fro, and climbed dizzy heights commanding views of other platforms, and at last discovered our trunks on the platform of the 3.45 train for which we had ordered them to be delivered. It was now too late for it to be brought subterraneously across to us; guards were whistling excitedly, porters shouting, bells ringing; there was only a moment for getting out of our compartment and thanking and feeing

our faithful porter, who instantly ran off and applied all his strength to the convex back of an old gentleman who was trying to leave the train, but whom he pushed into it, and shut the door upon as the express pulled away.

It would have been some consolation to know why the old gentleman wished to leave the train at that moment, or why the porter would not let him. It would have been some relief to have indulged a habit of profanity, but we could not form that habit on the spur of the moment; we could only vent a helpless rage in some blank invectives, and we did not think to inquire about the old gentleman till some time afterward. No doubt he was wrong, or the porter would not have pushed him back; and no doubt we were wrong, or we would have known about the 3.28, and the out-porter would have left our baggage in the right place for it.

After all, we thought it no great hardship to be going by the 3.45. It could not be so very long getting to Brighton if the express got there in an hour, and we should see something of the junctions where we changed; junctions are always so amusing. Another most amiable of porters told us, while he labeled our luggage, that there would be no change for an hour; he soothed our nerves with gentle condolence, and, as far as a just man might, he insinuated a pleasing censure of the out-porter for our blunder; the out-porter might have known about the 3.28; it almost came to that. I will always say that the English railway porters are the kindest men in the world; and if ever I am quite broken in spirit I shall wish to go and live among them, supporting my lacerated self-respect against their soothing sympathy, and letting them take my self-reproach away by the excuses they will suggest for my crimes, and my blunders worse than crimes.

I am sure that this tranquilly labeling porter, who dabbed toward his cap with his paste-brush in acknowledging our tip, could not have known of the junctions beyond that first junction an hour off. We took it for granted that we should be well on the way to Brighton there, if there were others we need not mind; and if we were mistaken, what have we really to complain of now? In three or four hours we did at last reach Brighton by a train perhaps only normally behind time, and there was a great deal of excitement if not experience at all those junctions. If there was anything wanting, it was a want of tea, for the junctions were all strangely

barren of refreshments; everywhere there were news-stands, but no lunch-counters. Everywhere there were crowds of impatient passengers, and everywhere patient authorities of high or low degree, who did not resent being asked the third or fourth time whether the next train would be our train; it did not matter that it never was. I will say, though, that the prevalence of junctions adds appreciably to the cost of travel in England. You must see that your luggage is taken out of the arriving and put into the departing van, and you must fee a porter for helping you do this. If he is the porter who takes charge of your hand-baggage, you cannot, for instance, make his fee less than a shilling, though I have heard that the English sometimes make it sixpence, and ladies threepence, and widows and orphans no one knows how few farthings. Still, such is the home comfort, the almost Asiatic luxury, of an English porter who takes charge of your hand-baggage and your large luggage, and insures their going with you from junction to junction, that the money is well wasted; and my regret is not now for the wild profusion of that many-junctioned journey from Tunbridge Wells to Brighton. It is for the sad, sole instance in which a faithful fellow swiftly changed us and our belongings from train to train, and then ran along by our carriage while his wretched beneficiary searched every pocket for a piece of silver, however large or little, and found nothing, not a penny, in any pocket. We were obliged to shout the fact to the porter halting in the rear, and to cry him mercy; we had more need of it than he of money; but I knew not in what terms, if any, he granted it.

The incident cast such a gloom over our spirits that we did not notice how dark it was outside when we reached Brighton—I ought to say the Brighton station, which is not only far from the tourist's or visitor's Brighton, but is itself of such extent that it seems as if you could not start from it with the reasonable hope of ever leaving it behind. Our porter, of the brave, kind lineage of all those other porters, found us a fly where there seemed to be no flies, and disinterred our trunks from the luggage of our train which had agglutinated other trains at the many junctions till it now stretched half across England, and the luggage from its vans mounted to the skies. I do not know how he knew our trunks; perhaps it was through the unerring divination of porters, who must read it from the owner's

anxious physiognomy; or perhaps in this case he discerned its American character. When he had impossibly put it on our fly, and the driver had roused his aged and ailing horse from what looked like coma, the horse did not fall motionless in his tracks, as we feared, but broke into a galvanic gallop, quite of its own initiative, and after long passages of time and space, through suburban and urban streets and avenues, brought us suddenly upon the shining stretches of the Brighton beach, with resplendent piers flung glittering out over the sea, and hotels rising height upon height and flaming to the stars. At almost the proudest of these we stopped, and were welcomed by the head-porter and his underlings, from whom we tried to hide our shame for the small sum we paid for our fly, and more especially for the massive brass-bound wooden trunk which when we bought it in Boston had not looked the crude, cruel, American thing it now appeared.

According to precedent, at Tunbridge Wells we ought to have been turned away to roam the night; but we had wired for rooms, and we had got back a reassuring wire, and almost before the lady in the office was able to give us our keys we were in our seaward bowers, looking out on the black water which mingled the solemn voice of its surges with the bursts of rag-time revelry from the piers and the incessant clatter of heels and hoofs on the promenades. There was no time to wonder in which nearest shadow our fly-horse, his duty heroically done, had fallen dead; dinner, a placard in the passage to the dining-room had warned us, was over at eight, and it was now half-past. When we pushed in, however, we found ourselves in the gentle keeping of those inimical German waiters who lurk everywhere in England to betray her as soon as they have learned the language; other people were dining round us at leisure, and when our own dinner was served it showed no resentment of our delay in the lukewarm flavors which characterize a belated dinner in American hotels.

At once that winning note of personal consideration was struck which welcomes the guest of the English hotel. It was there for us, that hotel, not we for it; and it urbanely accepted our tacit excuses for our retarded train; it as tacitly begged us not to mind; it was nothing; it often happened; and would we have thick soup or clear? If we hurried the meal it was quite our own affair, but, as a matter

of fact, we did hurry; for we had a passion for Pierrots which we fancied we could satisfy on those piers burning out over the sea, and sending back bursts of music and applause. Pierrots had been our passion ever since we had seen the prince of them at Llandudno six years before; I could not prove he was the prince; but they are all of a sovereign delight, for there is something in the human faces when painted white like a wall, and roofed with a black, white-tufted skull-cap, and something in the human figure when widely trousered in white, and black-tufted down the middle of a jacket reaching to the knees, which takes the heart with transport. All the English love those engaging creatures, and have them everywhere, so that we grieved and wondered not to come upon any of them that year till late in September, when we found a band of them under the Leas at Folkestone, where, helping form their audience of seven, we found much of their pleasantry confidentially addressed to us. Now, when we were making so sure of them at Brighton, suddenly the music and the applause at the pier-end ceased; the lights there began to fade, and the people, gorged with the joy of Pierrots, by us untasted, streamed densely landward and joined the throngs pacing the beaches and the shore-side promenades. We made what we could of the sound of street-singing at a corner; we walked up into agreeable squares and gardened places, where on the steps and pavements before large, old, friendly, late-Georgian houses people of both sexes were talking and laughing under the soft night, and perhaps flirting, and tried to assuage our disappointment in wondering, since these mansions seemed devoted to Private Board, just what Public Board might be. It is a question which teases the inquiring mind in all the summer resorts (you must really say watering-places) of that Happy Isle, and we returned with it unanswered to our hotel, where we found again in the porch the old couple we had left there. They seemed country folk of some simple kind, and we made believe they did not know they were in Brighton out of season, which we more proudly knew. We wished we knew *them*, but the social improprieties forbade, and we left them silently looking at the crowds passing by on the hither and the thither sidewalks.

In our sophistication we recognized it for a lower middle-class crowd, mainly cockney, which was there for over a

Sunday of the non-season. The season at Brighton, as I need not tell the polite reader, is now in the autumn, when people who are really people are there in the keeping of their houses or hotels, or carriages or motors, as real people are everywhere when they come for their pleasure. The autumnal season lasts into the early winter, and an examination of *Who's Who* will prove that many persons of distinction, if not rank, live at Brighton the year round, or that segment of its circle which the English spare to their home life from their sojourns in Italy, Norway, Switzerland, and the south of France. I had a fancy that I would like to live there myself, not only in those agreeable squares and gardened places, but in many tall, wide, old early-nineteenth-century houses along the sea-front. The residential town has, after the perverse manner of towns, grown quite in the other direction from these mansions; but I hold firmly to them; the villas of Hove are not nearly so sympathetic, and I do not believe the rents are so low; at any rate, not half so many of the houses are to let.

The next morning it was Sunday, and, though it was the non-season, the people who thronged the sea-front lawns and paths of Hove looked so much like society people that they might almost have been a detachment of the Hyde Park church-parade, now so largely disbanded. I venture the conjecture timidly, ready instantly to take it back; but I am firm as to the lower middle-class crowd which swarmed past the hotels and down upon the beaches and upon the piers, and seemed to have thickened overnight to twice their mass, and to be momently thickening. Atlantic City is the only American standard of comparison for the English watering-places which I know of, and only at Easter does Atlantic City rival them. What these masses did in order to enjoy themselves one could not very well ask them, but to be away from work in lover-pairs is perhaps pleasure enough between sixteen and twenty-five, and to have come off with the children anywhere from home is sufficient holiday for fathers and mothers under forty. There seemed to be things doing on the piers; there were rowboats and sailboats off the beaches, which were themselves a distraction, with their surges and their sands, and their donkeys and bathing-machines. Not alone were the drinking-places open; there were many and many eating-places where the hungry as well as the thirsty might stay themselves. But, besides, there was

a provision, novel to me, for picnickers who wished to spend the day in a semblance of seaside cottagers. A long stretch of the front where it began to be low cliffs was built up with rooms comfortably furnished, which could be taken for the day, and the young children put to sleep on couches in them, while the father wandered off with the elder, and the mother spread the table with lunch and waited his return at the door, so that he might know it from the hundreds of other rooms just like it. It was all very simply English and homelike, and I could think of many things less charming than these kindly sojourns, with their outlook on the thickly peopled beach, the sociable surges and inviting pleasure-boats, with a gentle electric tram ambling over the roof to and from the Municipal Aquarium.

We ourselves went to the Aquarium, but I do not know that I should urge it upon the reader. It seemed to us that we had seen all those fish before, or else fish like them; and perhaps we went to the Aquarium because it was open on Sunday, and the famous Pavilion of George IV. was closed to visitors. It was the wish to see this Pavilion and not the Aquarium which brought us to Brighton. At another season we might have seen fashion, or that outside of it which is the best of it, perhaps; but in August this was not possible. Besides the Aquarium, which I would not decry, the town does not offer much to polite curiosity except the Pavilion. We did, indeed, desperately drive around the parks and gardens, including Preston Park, where, when it was Preston Manor, Anne of Cleves, the last wife whom Henry VIII. divorced, dwelt serenely forgetful of him, and comfortably ignorant of the fact that if she were living now she could not be presented at Court. It cannot be denied that these pleasures enhance the charm of a metropolis of gayety which, even when it is not gay, is something charming, like a dull, reposeful woman, who at least does not bother. Quiet streets, not noticeably reverberent of the leisurely trams; Sunday-shut and silenced shops; large residences facing somewhat somberly on the squares, unmindful of their statues and fountains; little houses ranging down the side streets, as if with the self-respectful English subservience, in attendance on those mansions; over all the English sky, irresolute between sun and rain: surely it is not bad; surely it is rather good. Everything is in order and in repair; without our striving of demolition and destruction, there is

evidence of recent growth; and there is some history, though not much, lurking in the background: with Romans, of course, and Saxons and Normans; Brighton is not far from Hastings, where the great battle was lost and won which made England; and there is record of French descents upon her beaches to burn and pillage early in the long wars between the two nations. Some French people are still to be seen and heard there, but they are as peaceable as so many Americans, and may have come over to revere the monument to the Sussex men who fell in the Boer War, or to see the very good loan collection of English pictures in the Gallery or the two thousand pieces of English pottery in the Museum, as we did.

Much more likely, however, they have come to wonder at the Royal Pavilion, as we had, and to feel that in its wild architectural unreason it has still a sort of logic that pulls it together and gives it unity. It stands very low upon perfectly flat ground, and even so long ago as William IV.'s time was so shut round from the sea by other buildings that neither that monarch nor Queen Victoria cared to sojourn in it. But when once it leaves the sward it bubbles and spires up in domes and minarets and steeples from roofs resting on fantastic Moorish arches, and leaves the spectator free to say whether it is more Russian or Chinese or Saracenic in that strange feeling for the bizarre which is its unifying motive. It had an architect, of course—the well-known Nash of bold invention, who must have imagined it, but whom one does not clearly distinguish from the master he served. It was first built for George IV. when he was Prince of Wales by another architect, but it was Nash who, quarter of a century later, remodeled it to its present effect for the King, and it is of the King only that one thinks in its presence.

Upon the whole I did not find myself disposed to grudge him the entire satisfaction which it must have given his lawless soul. In such an abode alone could such a man house himself to his full comfort, and I will not blame him, for it seems to me that he has had blame enough. All royalties, I am afraid, have a bad time from their birth, and it is not strange that they turn out such blackguards as they often do; it is strange that they ever turn out as well as they sometimes do, poor things. When one considers the preposterous nature of their training for a station no man ever

has a right to hold, one must forgive them very much; one must be at least as tender of them as of their subjects,who are responsible for the false position to which a prince is born and bred, especially if he is to be a limited monarch, with the apparent power of a despot over their persons and purses, but mortifyingly snubbed by the constitutional restraints.

From the university of illusion and delusion which the kingship is and always has been, such a prince as George IV. could be graduated only by excelling in badness. If he had been born plain and dull and true he could scarcely have helped being spoiled, but as he was born beautiful and charming and false, he had no chance for his life; and I think it hard he should be blamed for being what he could not help becoming. He was doomed to be a liar, a drunkard, a glutton, and men and women joined him in carrying out the sentence which was scarcely self-imposed. He had to put on debt as he had to put on fat; and it was not so meritorious of the people to pay his debts, though much has been made of it. After he had married one woman to please himself, as most other men do, he was forced to marry another woman to please the State, and it has been counted against him that he was brutal to his second wife. He was certainly wrong in that, but he had his excuse if not justification in her personal uncleanliness, her flirting, and her other follies. Standing in his Pavilion at Brighton, one could not wonder at his putting her as far from him in it as he could; and if he was fond of horses, I did not object, he being what he was, that he should

"A stately palace dome decree"

for their subterranean housing, which has since been built up and over into a "noble assembly and concert-hall." He pleased himself with interiors as fantastic as the outside of his Pavilion, and there is a Chinese Corridor, with music-rooms and banqueting-rooms, dining-rooms, royal apartments, all in a mixed Oriental taste and of a gorgeousness which I did not grudge his shade. Rather it hurt me that among other objects in the Gallery there should be certain caricatures of him in the brutal fashion of the time, and even more it grieved me that his wife, Mrs. Fitzherbert, should be savagely mocked in one of them as if she were not his wife: I think it showed her borne away by the Evil One.

Upon the whole, if one likes Brighton (and I did for reasons not quite given), one must thank George IV. for one's

pleasure. To be sure, Brighton was discovered, as it were, by the famous Dr. Russell, who proclaimed one day to the early-eighteenth-century world that the sea-bathing there would be very good for ailing lords and commons, and upon whose reports numbers of sick dukes promptly resorted thither, whether to their advantage or not I cannot say; but they brought fashion in their train. The place seems never to have had the charm of Bath, or even of Tunbridge Wells, but it was no doubt very gay, or George IV., as Prince of Wales, would never have come to give it the stamp of his supreme approval. He discovered that it was good even for well people, and not only the Royal Pavilion, but Brighton itself remains his monument.

A great American millionaire, whose love of horses is an honor to his country, has of late years run, if not driven, a tally-ho coach between London and Brighton in continuance of venerable tradition. We preferred, however, the swift train which makes the fifty miles in one hour instead of five; but I do not know why we preferred the Pullman car on it to any first-class English carriage. Perhaps we were homesick, and wished to repatriate ourselves in that supreme image of American travel. But now, being at home, I have the heart to say that an English carriage is incomparably more comfortable than the Pullman car, which the English have adopted to their own notions, but still left irreparably Pullman. Yet I do not know why I grumble at it, for, though we had bought chairs in it, we spent all but a few minutes in the restaurant-car waiting for our two-and-six luncheon. This was very good when it came, though long despaired of, and our wait for it gave us time and opportunity for the acquaintance of a fellow-traveler who presently betrayed that he had been in the States, and had had the time of his life there. It was a piece of most smiling good fortune to meet such a friendly spirit, and his talk made it seem much less than an hour to London. When we had parted from him there, he came hurrying back to our aid on the station platform, where we stood waiting to choose our baggage from the successive vans, and entreated us to let him be of use; everybody in the States had been so kind to him. It made me glad, and I tried to think of some favor I could ask him, but I had to allege my long experience of English travel in denying his help. Yet when such things can happen, what may we not hope from International Arbitration? W. D. Howells.

THE SPANISH-AMERICAN WAR*

BY REAR-ADMIRAL STEPHEN B. LUCE, U.S.N. (RETIRED)

THE preceding volume, *Diplomacy,* by the same author, was so impartial in its treatment of our relations with Spain and exhibited such an intimate knowledge of the events which led up to the war as to win the immediate approbation of the public. The present volumes, while maintaining the same high level of excellence, possess the additional merit of having been written by one who actually bore witness to, or took part in, some of the stirring events he so graphically describes.

There was little of importance in connection with the war in the Far East that was not accessible to the author: while as Chief of Staff of the Commander-in-chief of the naval forces operating against Cuba all the official correspondence relating to the movements of the fleet came under his immediate supervision. To this must be added untiring industry in consulting authorities and a conscientious regard for accuracy of statement.

The author was fortunate in having for his guidance throughout the work the testimony of witnesses on both sides of the war; witnesses who took leading parts in the battles and who subsequently gave out for publication full and graphic accounts of the incidents in both engagements as they came under their own personal observation. Some of these accounts read like pages of romance; and the treatment of the brave unfortunates who fell into the hands of their noble-hearted captors would add luster to the brighest days of chivalry. Very great pains has been taken to sift the mass of evidence and wherever possible to reconcile ap-

* *The Relations of the United States and Spain—Diplomacy. The Spanish-American War.* 2 vols. By Rear-Admiral F. E. Chadwick, U.S.N. New York: Charles Scribner's Sons.

parent discrepancies. With these manifold advantages and exceptional qualifications the author was well equipped for the task of writing an authoritative history of our war with Spain. He has produced what will be accepted as a standard work on the subject.

It is not our present purpose to review the entire work, but rather to confine ourselves to the main incidents of the story—namely, the battle of Manila Bay and the battle of Santiago de Cuba: the one beginning the war, the other ending it as far as the navy was concerned.

The battle of Manila Bay is very fully described. On Sunday, April 24th, Commodore (now Admiral) Dewey, then at Hongkong, was informed by the Hongkong authorities that as war had begun and Great Britain was a neutral, his squadron must within twenty-four hours move out of British jurisdiction. Commodore Dewey informed the Government at Washington of this fact in a despatch dated Hongkong, April 25, 1898. This despatch was received at the Navy Department April 24th. The apparent discrepancy in dates is explained by the author:

"Manila is in 121° east of Greenwich, or 196° east of Washington. Its time is thus thirteen hours earlier than Washington time. At 11 A.M. of, say, April 21st it is but noon of the Washington 20th."

This explanation must be kept in mind.

At 2 P.M. the 24th the *Boston, Concord,* and *Petrel* left Hongkong accompanied by the revenue cutter *McCulloch* and two store-ships for Mirs Bay, thirty miles east of Hongkong on the Chinese coast. At 9 A.M., April 25th, the time limit having expired, the *Olympia, Baltimore,* and *Raleigh* "left Hongkong, cheered to the echo as they steamed from the harbor by the British soldiers and sailors ashore and afloat."

The revenue cutter *McCulloch,* regarded as a non-combatant, was sent to Hongkong for news. She returned Tuesday, April 26th, bearing the following despatch:

"WASHINGTON, *April 24.*

"War has commenced between the United States and Spain. Proceed at once to the Philippine Islands. Commence operations at once, particularly against the Spanish fleet. You must capture vessels or destroy. Use utmost endeavors."

It is well understood that this despatch was dictated by President McKinley himself.

The immediate result of these instructions was the despatch from Commodore Dewey

"MANILA, *May 1, 1898.*

"The squadron arrived at daybreak this morning; immediately engaged enemy and destroyed the following Spanish vessels: *Reina Cristina, Castilla, Antonio de Ulloa, Don Juan de Austria, Isla de Luzon, Isla de Cuba, General Lezo, Marques del Duero, El Correo, Velasco,* one transport, *Isla de Mindanao,* water battery at Cavité. I shall destroy Cavité arsenal dispensatory. The squadron is uninjured; *few men* were *slightly wounded.* I request the Department will send immediately from San Francisco fast steamer with ammunition. The only means of telegraphing is to American Consul at Hongkong."

It is certainly extraordinary that no one was killed on the American side. The casualties on the Spanish side were: killed, 167; wounded, 214; total, 381. It was a "military execution," says one high authority. But had the gunnery of the Spaniards been anything but execrable they (the Spaniards) would have been the executioners. What, then, would have been the position of Commodore Dewey with no base for his shattered squadron to fall back upon? The risks he took were enormous, but fully justified by the result. This point has not been sufficiently considered by the critics.

May 7th, on the receipt of Commodore Dewey's telegram, President McKinley thanked the Commodore, his officers, and men in the name of the American people for their "splendid achievement and overwhelming victory" and gave him the rank of rear-admiral. May 10th Rear-Admiral Dewey received the thanks of Congress, was later raised to the rank of Admiral of the Navy, and his Chief of Staff, flag lieutenant, and commanding officers were, on his recommendation, advanced in rank.

The naval battle of Santiago de Cuba is graphically described. Many interesting, not to say highly exciting details, are given. Excerpts are out of the question. The story must be read to be appreciated. The author wisely confines himself to the time of the war without concerning himself with the aftermath. With commendable judgment he abstains from any reference to the unfortunate and senseless controversy started and kept alive by the press of a later day as to who was commander-in-chief of the American naval forces during the battle. He assumes quite naturally, and correctly, that there could not possibly be any question on that point. And there was no such question. It is made

clear that the officer commanding in chief before the battle, during the battle, and after the battle was the one indicated by the flag. The flag of the Commander-in-chief, Rear-Admiral Sampson, was borne throughout the battle by the *New York*. It is true that at the call of duty that ship had temporarily vacated her accustomed station, but the first gun of the engagement was the signal for her return. This fact alone, were others wanting, shows conclusively that the *New York* was at the opening of the fight within easy signal distance and, therefore, well within the field of the conflict.

Although the author nowhere even so much as hints, as we have already stated, that there is, or ever was, a question as to who was in actual command of the fleet during the battle, yet, unfortunately, three years after the war in an official document of no little importance a different view prevailed. During the proceedings of the Court of Inquiry in the case of Rear-Admiral Winfield Scott Schley, U.S.N., all testimony on the question of who was in command of the fleet during the battle was rigorously excluded. That question was not before the court, and the court emphatically refused to consider it or to hear evidence with regard to it. And yet, notwithstanding this decision of the court, the Judge-Advocate, in his summing up of the evidence, goes out of his way to discredit the commander-in-chief and deprive him of the tribute of victory which was his just due. It was only a "captains' fight," he told the court. He thus, through the published report of the proceedings of the court, misled public opinion to the injury of the professional standing of an officer of quite exceptional merit.

In his argument before the court the Judge-Advocate said:

"I submit that the evidence shows that it was a captains' fight, and, without disparagement of Commodore Schley's personal conduct on that occasion, that there was no such concerted action of the vessels engaged as to indicate their control by any one person. All evidently strove to do their utmost, and thus was accomplished one of the grandest naval victories ever won." *

From this language it appears that the Judge-Advocate was of the opinion that the force blockading Santiago had suddenly become disorganized and that on the appearance of the Spanish ships each American captain acted on his own

* Record of proceedings of a Court of Inquiry in the case of Rear-Admiral Winfield S. Schley, U.S.N., 1901. Vol II, page 1821.

initiative, independently of all others, and scrambled pell-mell into the fight.*

It is more than doubtful if the views of the Judge-Advocate, himself a naval officer, had any influence with the court. The unfortunate part of it is that those views, unsupported as they were by the evidence, have been accepted by the public as authentic.

With rare good taste the author of the work before us does not attempt to deal with the published statements above quoted. He tells his story calmly and, although an actor in the drama, impersonally. He gathers his facts from unimpeachable sources, leaving the reader to draw his own conclusions. And yet there stands the record of the court to confound the historian of the future even as it has confused the public of the present day. In the interests of history that record must be corrected and made to conform to the facts. What are the facts in this connection?

It can be shown from the work before us, *first,* that it was *not* a "captains' fight" as that phrase is generally understood. *Secondly,* that there *was* "such concerted action of the vessels engaged as to indicate their control by any one person." *Thirdly,* that it was *not* "one of the grandest naval victories ever won." The third clause may be dismissed at once as far too extravagant to merit a moment's consideration. Let us pause here for a brief space while we endeavor to find out the meaning of the term "a captains' fight."

Every sea fight is in a certain sense a "captains' fight," inasmuch as in battle each captain fights, or commands, his own ship and directs her movements. The expression is admissible only in single ship actions, such as that of the *Constitution* and the *Guerrière,* during the War of 1812, inasmuch as each captain has then the sole and absolute control of his own ship. But when it comes to an aggregation of ships, as in a fleet or squadron, such independence of action ceases in a great measure to exist. The movements

* Curiously the Judge-Advocate refutes his own argument. He continues: "Of course the vessels stood in toward the harbor entrance when it was discovered that the enemy's vessels were making a sortie. Such was not only their *prescribed duty,* but their natural and proper course." By whom was this duty *prescribed?* By the commander-in-chief in his orders of June 2d. Hence there *was* "concerted action indicating control by one person."

of each ship in this case come under the control of the one who commands in chief. And although each captain continues to command his own individual ship, yet as a component part of the fleet he is, and must necessarily be, subject to superior authority. Otherwise a fleet would be a mere assemblage of ships without coherence and without the organization and discipline essential to success in battle.

It is this subordination of the individual and the synchronous movements of the several units in obedience to one controlling will that constitutes naval tactics. Such being the case, all responsibility for the management of the fleet centers in one person—the commander-in-chief. It cannot in the very nature of things be otherwise.

The expression "a captains' fight" is an adaptation of the term "a soldiers' fight." A soldiers' fight is one in which the troops, carried away by their ardor, get beyond the control of their officers and execute of their own volition movements not contemplated in the original plan of battle. At Molwitz the great Frederick gave up the battle as lost and sought safety in flight. He owed his success to the valor of his troops, who fought while he was fleeing. It was his first battle. At Chattanooga (November 25th, 1863) the battle was opened by Sherman's attack on the left. To relieve the forces concentrating upon him, Thomas in the center charged up Missionary Ridge. His troops, once started, could not be restrained. They not only drove the enemy from their rifle trenches, but followed them up the hill, carried the works on the crest of the ridge, and routed the defenders, pursuing them until dark and capturing many prisoners. The Confederates in front of Sherman, now unsupported, also retreated. This phase of the battle was essentially a "soldiers' fight," and the splendid victory was due in a very large measure to the character of the troops. But when we come to inquire why those troops were in that particular place at that particular time we find there was a highly intelligent directive force behind them. They were not stragglers; they were not there by accident, but in conformity to a carefully thought-out, prearranged plan of battle. A soldiers' fight is possible when they have been well placed by superior authority. The analogy is very much strained, however, that would seek to apply that method of warfare to a fleet fight.

All the great naval battles of which history gives an ac-

count where the results have been decisive have been in a certain remote sense "captains' fights." There are exceptions, it is true, which will readily occur to every reader of naval history, but these have been almost invariably what are called drawn battles. Take, for example, the engagement of Ushant, July 27th, 1778, where the English, under Admiral the Hon. Augustus Keppel, with thirty sail of the line, were opposed by a like number of the French under the Comte d'Orvilliers. This was not a captains' fight, as no general engagement was brought on. In this case admiral was pitted against admiral; and as the French Admiral d'Orvilliers afterward remarked, "I outmanœuvered Mr. Keppel." Insignificant as this engagement was from a military point of view, it has yet held a prominent place in history as showing that professional jealousies are not altogether unknown to the naval service. On their return to home waters the second in command of the English fleet, Sir Hugh Palliser, started a bitter controversy which "set all England by the ears." Admiral Keppel was brought before a court-martial and acquitted of all charges. The conduct of Sir Hugh Palliser was also inquired into. The court found his conduct during the battle highly exemplary in many instances, but "reprehensible" in others.*

A conspicuous case of a "captains' fight," if one may use that vacuous term, is that fought off Cape St. Vincent when Nelson in the *Captain,* 74 guns, committed a "breach of discipline" by leaving his station in the fleet without orders and cutting off the retreating Spaniards. He was followed by Troubridge in the *Culloden,* 74 guns, also without orders, and this was the turning-point of the battle. Captain Collingwood, of the *Excellent,* wrote subsequently: "The highest rewards are due you" (Nelson) "and the *Culloden;* you formed the plan of attack—we were only accessories to the Don's ruin." A "captains' fight" or not, the Commander-in-chief, Admiral Sir John Jarvis, received the sole credit and was rewarded for that victory by an earldom and a pension of three thousand pounds a year, and was known thereafter as the Earl of St. Vincent. The English Admiralty knew its business.

At the Nile the plan of battle was Nelson's. But he left the details to be worked out by his captains. Says the historian Admiral Mahan:

* *The Royal Navy.* By Sir William Laird Clowes. Vol. III, page 412.

"It is in perfect keeping with Nelson's character that after ascertaining that his captains understood his views he should, with perfect confidence, have left all the details of immediate action with them."

In fact, Fenimore Cooper repeats the tradition that the whole tactical combination at the Nile was attributed to the captains. Whatever the truth of this may be, there is no doubt that the movement by which the head of the French column was doubled on and their inshore batteries engaged was due solely and entirely to Captain Foley of the *Goliath* and the captains who followed his lead in the *Zealous, Orion,* and *Theseus.* And this credit may be accorded Captain Foley, as the historian remarks, "without stripping one leaf from Nelson's laurels." After Nelson was severely wounded and carried below, the battle was continued in accordance with the original plan with unwonted fury, and, as Lord Howe said, "the victory was unparalleled in this respect, that every captain distinguished himself." Nelson in the cockpit might just as well have been miles away. Here surely, if anywhere, is an example of a "captains' fight." But it has been reserved for the present day to coin the expression.

And so at Trafalgar: Nelson, knowing full well that in battle signals were futile, stated in his Memorandum of October 9th, 1805, the broad principle that:

"In case signals can neither be seen nor perfectly understood, no captain can do very wrong if he places his ship alongside that of an enemy."

It is an ancient precept that the commander-in-chief of a fleet should make his plan of battle known to his captains in order that, battle once joined, signals may be unnecessary. Such was Nelson's practice and such was the course pursued by Rear-Admiral Sampson, the Commander-in-chief of the fleet blockading Santiago de Cuba, as we shall presently show.

Of the memorable order above referred to, the historian remarks, as in the case of the plan of the battle of the Nile, that it was not only remarkable for its sagacity, "but even more for the magnanimous confidence with which the details of execution were freely intrusted to those upon whom they had to fall"—the captains.

After Collingwood (leading the lee column in the *Royal Sovereign*) had succeeded in breaking through the allied lines, everything depended upon the discretion of each cap-

tain in availing himself of the conditions as he came up, but following out Nelson's general injunction that their effort should be toward the enemy's rear. Following Collingwood's flag came the *Belleisle,* 80 guns, Captain William Hargood. It was just noon when she reached the French line. The master earnestly asked the captain, "Shall we go through, sir?" "Go through, by ——," was the energetic reply. "There's your ship, sir; place me alongside of her." Neither Nelson nor Collingwood ordered Captain Hargood to "go through." He acted on his own responsibility in carrying out the original plan of battle. Clearly it was only a "captains' fight," this great battle of Trafalgar.

Captain Codrington, of the *Orion,* narrates that "we all scrambled into battle as soon as we could. I was in the middle of it before I fired a gun." Many such incidents are to be found in the full account of the battle, showing how each and every captain in the smoke and din of the fight was thrown entirely upon his own resources, but with the Memorandum for his guide. Inextricable confusion for a while prevailed. Signals were useless. Surely it was only a "captains' fight." And yet what a fight!

The *Victory,* bearing Nelson's flag, crossed the wake of the *Bucentaur* at 1 P.M. At 1.30 P.M. Nelson fell mortally wounded and was borne below to the cockpit, where he died. Will any one say that the battle thereafter, which ended at 4.30 under Collingwood, raged with less fury or not on the original plan? Did any sane Briton ever accord the meed of victory to Collingwood! Says an eminent French naval officer in this connection:

"That the principles of the Memorandum (Nelson's order of October 9th, 1805) were faithfully and wholly carried out is a matter of quite secondary importance; its author might have died at the evry beginning of the battle; he had breathed into the minds and into the very souls of his captains the principles and elements of victory; thenceforth victory was assured, and, despite his untimely exit from the field, it was Nelson who won the battle of Trafalgar, not Collingwood." *

In each and all of these great battles the victorious fleet was dominated by the genius of the commander-in-chief. He infused his spirit in all from captain to powder-boy. They all knew under whose eye they fought. Napoleon's presence on the field of battle was worth a *corps d'armée;*

* *War on the Sea.* By Captain Darrieus, French Navy. Translated by Philip R. Alger, U.S.N. Page 80.

Nelson's name alone assured victory. Of a bold Scottish chief 'twas said, "One blast upon his bugle-horn were worth a thousand men." In all times, ancient and modern, whatever may have been the motive power, whether oars, sails, or steam, a great moral force has carried the fleet to victory. The personality of the commander-in-chief is always a factor that must be reckoned with.

But whether the expression a "captains' fight" is a mere meaningless term or not, certainly the battle of Santiago de Cuba, July 3d, 1898, deserves to be so characterized less than any naval battle of which history gives an account.

The author of the work before us makes it perfectly clear that the military problem was one of the simplest kind and may be stated in a few words: It was to starve out, or whip, an inferior force.

The commander-in-chief had made all his dispositions for battle long in advance. Each ship had her allotted station; each captain understood perfectly well his plain duty. The appearance of the enemy was the signal for battle. No other signal was necessary. When the Spanish ships were clear of the entrance of the harbor each captain of the blockading squadron knew exactly what to do, and he did his part even as the English captains at the Nile and at Trafalgar did their parts; and as far as signals directing their movements were concerned, the commander-in-chief might just as well have been lying in the cockpit mortally wounded. He had done his whole duty long in advance. He had closed the signal-book, even as Nelson closed the signal-book at Trafalgar and Lord Howe on the "glorious 1st of June." There was no mêlée, as in the great sea fights named, when captains were thrown upon their own resources. *It was simply a superior force in the open chasing and destroying, in accordance with a pre-arranged plan, a flying and demoralized foe.* The blockading squadron had been organized and prepared for that very purpose, and when the hour came the plans and purposes of the commander-in-chief were carried out, each captain performing his allotted part as he had been instructed to do. The general order of June 2d runs:

"If the enemy tries to escape, the ships must close and engage as soon as possible and endeavor to sink his vessels or force them to run on shore." This order was carried out in a very literal sense thirty-one days later: all the Spanish ships were "forced to run on shore," as the author relates.

In the general order of June 21st for landing the troops by the navy the commander-in-chief said:

"The attention of Commanding Officers of all vessels engaged in blockading Santiago de Cuba is earnestly called to the necessity of the utmost vigilance from this time forward both as to maintaining stations and readiness for action and as to keeping a close watch upon the harbor mouth. If the Spanish Admiral ever intends to attempt to escape, that attempt will be made soon."

These two general orders were carried out to the letter. There is overwhelming evidence on this point.

The Judge-Advocate has already informed us that

"on the appearance of the enemy our ships stood in for the entrance of the harbor in accordance with their prescribed duty."

In his modest but graphic account of the fight the gallant and lamented Rear-Admiral Philip wrote:

"The battle was a direct consequence of the blockade, and upon the method and effectiveness of the blockade was very largely dependent the issue of the battle. It was necessary to have always before the entrance of Santiago Harbor a force of ships amply sufficient to cope with the Spanish squadron, should it come out to do battle; and it was necessary to have this force so disposed that none of the Spaniards could escape, if that were their object, no matter what direction they should take. Unremitting vigilance by night and by day was an absolute necessity; . . . the blockade was conducted with a success exemplified by the result. It was a terrible strain, that month of watching for what no man knew. . . . So when the Spanish Admiral at last made his dash to escape we were ready—ready with our men, with our guns, and with our engines. . . . Before he (Admiral Cervera) had fairly found himself outside the Morro the entire blockading squadron was pumping shell into him at such a rate as virtually to decide the issue of the battle in the first few moments."

In his despatch to the Navy Department of July 10th, 1898, Commodore Schley said:

"Feel some mortification that the newspaper accounts of July 6th have attributed victory of July 3d almost entirely to me. Victory was secured by the force under the Commander-in-chief North Atlantic Squadron, and to him the honor is due."

The testimony of all the captains was to the same end, showing clearly that there *was* "concerted action on the part of the vessels engaged, indicating their control by one person"—namely, that of the commander-in-chief. H. W. Wilson, the well-known English writer, in his *Downfall of Spain,* said:

"Admiral Sampson from first to last did his work in a manner that commands British admiration."

That long and tedious blockade, maintained with such unrelaxing vigor, and the victory which was the fruit of that exacting labor, were due to one controlling mind—and but one. To deny such a palpable truth one might as well shatter the Duilian Column in Rome and tear down the Memorial Column in Trafalgar Square, London, as libels on history.

A total absence of glorification over the issue of the battle is a refreshing feature of the narrative. The victory is ascribed to the superiority of the Americans in numbers of ships and weight of metal. The figures are given in the same impersonal and matter-of-fact style as statistics recorded by the Census Bureau in Washington. The author informs us that:

"The result was only what could have been expected from the superiority of the Americans in numbers, armor, and armament, but, above all, in practice and preparedness. . . . There were six heavy ships against four; fourteen 12 and 13 inch guns against six 11-inch; thirty 8-inch against none on the Spanish side of that caliber; forty-four 6-inch, 5-inch, and 4-inch against thirty-six 5.5 and 4.7 inch; ninety-six 6-pounders against thirty-eight Spanish.

"The superiority of the American ships in armor is equally obvious. The only superiority of the Spanish ships was in their speed, which, however, availed naught through bad coal, foul bottoms, their quick destruction by fire, and, in the case of the *Colon,* through inability to make what she should have made, probably through want of training of her fire-room force."—Vol. II, page 184.

With these figures the author leaves to the reader the privilege of magnifying the battle at his pleasure.

But in whatever terms the victory may be characterized, the results were certainly momentous and far-reaching. They are well expressed in the pathetic words of the gallant but unfortunate Captain (now Admiral) Concas of the *Maria Teresa* and Chief of Staff. We give the entire passage as too interesting to abridge. It is of the *sortie* of Cervera he speaks:

"With the battle-flag hoisted, the *Infanta Maria Teresa* advanced ahead of the other cruisers, which for the last time gave the honors due their Admiral, saluting him with hurrahs that manifested the spirit of the crews worthy of a better fate. The *Maria Teresa* continued to advance rapidly without being detected until she was abreast the Estrella battery; signals, evidently hurried, and an alarm gun from the *Iowa* showed that the hostile ships were taking position for battle.

"We had just finished making the turn at Diamond Bank amidst death-

like silence, everybody awed by the magnificent spectacle of the ships issuing from the narrow passage between the Morro and Socapa. It was a solemn moment capable of making the calmest heart beat faster. From outside the conning-tower, which I did not want to enter, in order, if I should fall, to set an example to my defenseless crew, I asked leave of the Admiral, and with that gave the order to fire. The bugle gave the signal to begin the battle, an order repeated by those of all the batteries and followed by a murmur of approbation from all those poor sailors and marines who were anxious to fight, for they did not know that these war-like echoes were the signal which hurled their country at the feet of the victor, since they were to deprive Spain of the only power still of value to her, without which a million soldiers could do nothing to serve her; of the only power which could have weight in a treaty of peace; a power which, once destroyed, would leave Spain, the old Spain of Europe, not Cuba, as so many ignorant persons believed, completely at the mercy of the enemy.

"My bugles were the last echo of those which history tells were sounded in the taking of Grenada; it was the signal that the history of four centuries of greatness was ended and that Spain had passed into a nation of the fourth class.

"'Poor Spain,' I said to my beloved and noble Admiral, and he answered by an expressive motion, as though to say he had done everything to avoid it and that his conscience was clear.

"As for myself, what a strange coincidence. It had been but a few years when the honor had fallen to me to represent in the archaic caravel an exact copy of that of Columbus* all the glories of the fifteenth century, and on the 3d of July it fell to me to give the signal for the end of that greatness. But the first was a representation, and this was the dreadful reality.

"The second gun of the deck battery was the first to open fire and brought us back to this reality, too dreadful to allow us to think of other things. Giving the cruiser all her speed, we poured out a frantic fire with our whole battery except the forward gun, which we reserved to fire at close quarters."

The battle practically terminated the war and Spain's colonial empire at the same time. The bald facts are that the war began with Admiral Dewey's victory of Manila Bay, May 1st, 1898, and was ended in sixty-four days by Rear-Admiral Sampson's victory of Santiago de Cuba July 3d, 1898. Such, it is safe to say, will be the verdict of an intelligent public on reading this instructive history of the war by one exceptionally well qualified to write it.

The smoke of battle having blown away, the field was left clear for the exercise of diplomacy. The very full account

* The *Santa Maria,* a reproduction of the flag-ship of Columbus, was brought over to this country, under her own sail, by Commander (now Admiral) Concas and taken to the World's Fair, Chicago, in 1892, where she attracted much attention.

of the treaty of peace and of the negotiations which preceded it will be found one of the most interesting chapters of the book.

The attitude of the Government on this occasion was one of firmness and dignity so becoming to a great nation. The President in his instructions to the American commissioners for the treaty of peace said:

"It is my earnest wish that the United States in making peace should follow the same high rule of conduct which guided it in facing war. It should be as scrupulous and magnanimous in the concluding settlement as it was just and humane in its original action. The luster and the moral strength attaching to a cause which can be confidently rested upon the considerate judgment of the world should not, under any illusion of the hour, be dimmed by ulterior designs which might tempt us into excessive demands or into an adventurous departure on untried paths. It is believed that the true glory and the enduring interests of the country will most surely be served if an unselfish duty conscientiously accepted and a signal triumph honorably achieved shall be crowned by such an example of moderation, restraint, and reason in victory as best comports with the traditions and character of our enlightened republic.

"The abandonment of the Western Hemisphere by Spain was an imperative necessity. In presenting that requirement, we only fulfilled a duty universally acknowledged. It involves no ungenerous reference to our recent foe, but simply a recognition of the plain teachings of history to say that it was not compatible with the assurance of permanent peace on and near our own territory that the Spanish flag should remain on this side of the sea. This lesson of events and of reason left no alternative as to Cuba, Puerto Rico, and the other islands belonging to Spain in this hemisphere.

"The Philippines stand upon a different basis. It is none the less true, however, that without any original thought of complete or even partial acquisition the presence and success of our arms at Manila imposes upon us obligations which we cannot disregard. The march of events rules and overrules human action. Avowing unreservedly the purpose which has animated all our effort, and still solicitous to adhere to it, we cannot be unmindful that, without any desire or design on our part, the war has brought us new duties and responsibilities which we must meet and discharge as becomes a great nation on whose growth and career from the beginning the Ruler of Nations has plainly written the high command and pledge of civilization."

This is an amplification of "manifest destiny." But the question of the Philippines was not so easily settled. After much interesting discussion, a full account of which the author has given us, the United States Government was led to concede that our demand for those islands could not "be based on conquest." After further negotiations it was finally agreed to pay twenty million dollars for them. The author

makes it perfectly clear that we did not "conquer the Philippines and then buy them," as many have vainly imagined.

In conclusion the author informs us that "the treaty was approved by the United States Senate on February 6, 1899, ratified by the President on the same day, and by the Queen Regent of Spain on March 19th. The ratifications were exchanged at Washington on April 11, 1899, and the treaty proclaimed the same day, thus bringing a peace which all well-wishers to the two countries must hope may never be broken."

We here take our leave of this very valuable addition to the literature of the Spanish-American War. While commending it to the attention of the reading public, we avail ourselves of the opportunity of supplying the sequel: Not the least remarkable page in the story of the battle of Santiago de Cuba is the one giving the manner in which the two commanders-in-chief were treated by their respective Governments. It was the vanquished alone who was honored. With steadfast courage Rear-Admiral Cervera went out to meet the fate he had clearly foreseen and plainly foretold. He did what he could; and his country recognized his self-sacrificing devotion to duty. On his return to Spain he was made a Vice-Admiral, a Senator for life, and Chief of the General Staff of the Spanish navy.

We reversed the custom, hallowed by immemorial time, of doing honor to the victor. His services received no public recognition. Said the Hon. John D. Long, Secretary of the Navy during the war:

> "It is a tragic feature of the struggle with Spain that Sampson, broken by the tremendous strain he had undergone, died without receiving the recognition to which his patriotic and splendid service entitled him and without even the thanks of Congress or promotion in rank."

The country he served so well paid him no mark of honor, expressed no sense of gratitude. He was the victim of a controversy for which he was in no way responsible and in which he took no part, and yet the rancor of it brought on his head the cruelest abuse and vituperation. Even his household was not exempt.

> "The controversy became exceedingly bitter and personal, raging more in the press and in public discussions than in naval circles. Scurrilous verses and cartoons appeared in the press holding him up to public con-

tempt, as if he had been a traitor instead of a patriot. All this he bore in silence and with characteristic fortitude." *

The State of New Jersey presented him with a sword, and Harvard and Yale each honored him with the degree of LL.D. But the country to whose interests he was so devoted gave no sign of its appreciation of his worth.

A few naval officers, his personal friends, who had been closely associated with him during the war, in order to testify their affection and respect, placed a beautiful memorial window in the chapel of the Naval Academy dedicated to his memory. On the unveiling of the window eulogistic addresses were delivered setting forth his high character as an officer and as a man and the eminent services he had rendered his country. In speaking of the trying events of the war, one who knew him well said: "Disregardful of all but the necessity of success, he was heedless of personal danger and daring in professional risk." Another tribute by one who also knew him well and had been closely associated with him during the war was: "Sampson's courage was of the highest and finest type, the kind which sinks all thought of person in the sense of duty. If he had any sense of fear for what might happen to himself, it never appeared in even the remotest suggestion." Indeed, all who knew him most intimately agreed in saying he was absolutely devoid of personal fear, and yet a United States Senator from his place in the Senate Chamber stigmatized him as an "arrant coward." † The credit for the victory he won was given to others. It was only a "captains' fight" they said. And America flung the victor's laurels to the winds.

STEPHEN B. LUCE.

* *The New American Navy,* by Hon. John D. Long.

† *Congressional Record,* February 26th, 1901. Page 3036.

NEW BOOKS REVIEWED

LOVE AND MARRIAGE. By ELLEN KEY. New York and London: G. P. Putnam's Sons, 1911.

ELLEN KEY occupies in Scandinavia much the same position that Jane Addams does in America, that of First Woman in the Land. Nothing could be more unlike than their activities, interests, or the themes of their books. Yet in their method of analyzing and presenting the great issues of modern life there is a subtle similarity. Both show a high courage in facing new, disconcerting, or awkward truths; an open-mindedness to facts of change and growth and a tender conservative respect for the old, time-honored, well-beloved things. Both bring to the discussion of the problems of the rising generation a great motherliness, the first fruits of the participation of intellectual and courageous women in public affairs. *Love and Marriage,* which now appears in Mr. Arthur C. Chater's excellent English translation, has had great vogue in continental Europe since its publication in 1903. It comprises the first two volumes of Ellen Key's most ambitious work, called *Lines of Life,* and antedates *The Century of the Child* and the *Woman's Movement,* both of which are familiar to the English-reading public.

Love and Marriage is an intimate, somewhat informal series of discussions of problems that lie at the root of modern life; love's freedom, love's selection, the right of motherhood, exemption from motherhood, collective motherliness, divorce and marriage laws. The present restless, unhappy transitional state in which many men and more women find themselves is patiently analyzed, and the plain facts are in no wise glossed over or idealized. The ideals toward which the best of the younger generation is striving are outlined with a clearness of vision that strikes home with a passionate verisimilitude. Ellen Key is a suffragist and believes in the economic as well as the political independence of woman, but she does not believe in emancipating women from their sex duties nor in ignoring the claims of race. Political and economic independence to become more womanly and more motherly are the "lines of life." She demands freedom to create better conditions for the children, an enhancement of life through a higher type of marriage that will strengthen and deepen family life, not weaken its bonds. "But great love, like great genius, can never be a duty; both are life's gracious gift to its elect. There can be no other standard of morality for him who loves more than once than for him who loves once only, that of the enhancement of life . . . freedom for love's selection under conditions favorable to the race; limitation of the freedom not of love but of procreation, when the conditions are unfavorable to the race—this is the line of life."

TWENTY YEARS AT HULL HOUSE. By JANE ADDAMS. New York: The Macmillan Company, 1911.

There are certain unregenerate students of humanity who brazenly depreciate the labors of the historian. They prefer to read the chronicles of past or present times in human documents. Careful studies of events and digests of State papers have for them no magic to summon a past age, cast no illumination on the present. They must feel the pulse of the world through human lives. *Twenty Years at Hull House* is a rare chapter in contemporary history; but it is still more rare as an intimate revelation of a spirit's growth, of the unfolding of a personality so completely in touch with the needs and aspirations of the times that the individual seems not the product, but rather one aspect of a growing social ideal.

For many younger Americans growing up in these days of military peace and industrial warfare the ideals of democracy have been put into current idiom, not by the Fathers of the Republic, but by Jane Addams, of Hull House. The chapters recording her early influences and impressions reveal the spiritual ancestry of these newer ideals of freedom. Jane Addams's intense democracy was forged in the flames of the two most disinterested passions human souls can know—the love of country, which in her case centered in a high veneration for Lincoln, and the love of scholarship for its own sake. The impulses of girlish idealism were tempered and disciplined during the long period of doubt and spiritual conflict that accompanied ill health and depression over the apparently inevitable opposition of privilege and deprivation in this world. Gradually the conviction emerged that the conditions of happiness and freedom that pertain to the privileged classes belong also to the poor—a conviction that realized itself in the founding of Hull House and the beginning of a social experiment in applied democracy. To bring to the immigrant, the ignorant, and the inefficient some of the advantages of a free country is to arouse the conscious point of view of a free citizen. The resolve of the residents of Hull House to become an integral part of the lives of their foreign neighbors, and thereby to initiate their foreign neighbors into the meanings of American institutions, is one of the greatest patriotic experiments in all times; and it is an experiment in which the foreign neighbors have taught as valuable lessons in civic values as they have learned.

Throughout the account of the ever-increasing number of projects engaged in by the residents of Hull House, the quality of the master mind stamps all achievement with a fine, disinterested, detached idealism. Some of the most significant passages in the book describe the struggles of a spirit sympathetic with every human need, appreciative of every human effort, but resisting ultimately every system of thought or life framed for alien circumstances or springing other than from the new soil of American life. In complete sympathy with the Socialists' desire to improve the lot of the working-man, Jane Addams nevertheless confesses that she could never become a Socialist. After a pilgrimage to Yasanaya Polyana, and a resolve to lead the simple life and earn the necessities of life at a trade, sober reflection obliged her to reject Tolstoy's solution of the problems of social maladjustment. "The demands of actual pressing human wants—were these all to be pushed aside and asked to wait while I saved my soul by two hours' work at baking bread?"

There is no royal road to industrial democracy nor any social formula

for it. The life of Jane Addams and the experience of twenty years at Hull House points the way that each reformer and any group of reformers must travel by themselves. Social improvement and the realization of social ideals is a long, slow, intricate process of growth; of feeling after "good ways of doing things"; of coming into touch with every element in the community both good and bad; of valuing every purposive energy, whether in immigrant or native-born; of identifying interests that appear antagonistic and reconciling ends that appear divergent. This is the social programme of the neighbor that Chicago is proud to call its "First Citizen."

A Short History of Woman's Rights. By Eugene A. Hecker. New York: G. P. Putnam's Sons, 1910.

Whether we are by conviction of the elect or temperamentally "anti," we are settling down, boy and man, to a very solid interest in the "Woman Question." It has very evidently come to stay; and though we are properly disgusted at the idea of our mothers and sisters walking in parades, we do not quite discard our sweetheart when she talks politics and we are becoming genuinely enthusiastic over college girls. With women voting in five States, and the prospect of suffrage in California at the next election, the patient American man has ceased to jeer and has taken surreptitiously to reading. *A Short History of Woman's Rights,* by a master in the Roxbury Latin School, gives a brief, condensed, and admirably pointed survey of the status of women and the laws regarding marriage, divorce, inheritance, property, etc., from the days of Augustus to the present time. Especial reference is made to conditions in England and the United States. No man need blush to be found with it in his pocket. It is especially designed for the New Man—the man who has faith in the New Woman; and incidentally is an excellent little handbook of facts, dates, and general information on a subject that is perennially new and only intermittently old.

Panama and the Canal To-day. By Forbes Lindsay. Boston: L. C. Page & Co., 1910.

All mankind may love a lover, but its interest in the explorer and the adventurer is still more keen. For four hundred years the stage setting for some of the most daring acts of valor and romance has been the Spanish Main, the peaks of Darien, the Isthmus from Porto Bello to Panama. But the heroes who have occupied the center of the stage have greatly changed in character. From the days of Balboa, Drake, and Henry Morgan to the days of De Lesseps, Gorgas, and Goethals the popular idea of a conqueror has enlarged to include not only dominion over the naked savage and the defenseless town, but the impassable jungle, the land-sliding mountain range, and the fever-bearing mosquito. An obscure author of a *Whimsical History of Mankind* might find food for reflection in this changed attitude of hero worship and write an instructive chapter on the progress of civilization from the text, "What men have conquered in Panama."

But whether we admit a sneaking fondness for the ancient buccaneers or an outright enthusiasm for the modern engineers (or both), Forbes Lindsay's *Panama and the Canal To-day* is good reading. The construction

and opening of the Panama Canal is the most important single event within the lifetime of every reader of these printed words and is fraught with economic and political consequences the importance of which may not even be predicted. Most of us know something about the canal; all of us want to know more. And the very things we have wanted to know and have always meant to ask somebody about or look up in the *World Almanac* Mr. Lindsay has told us. Part I, on "The Canal," gives an interesting history of the European occupation of the Isthmus and the early projects for a waterway between the oceans. In 1520 Charles I. of Spain ordered the first survey of the Isthmus to determine the best route for a canal. Since that time the "Dream of the Strait" has lured many men of many nations to hazard property and life in the Promethean attempt to turn continents into islands. The chapters on the various projects for building a ship-canal that followed the publication of Humboldt's *Political Essay on New Spain,* the construction of the railroad, the French enterprise and its failure, the various American schemes finally culminating in the present undertaking, link "history" and "current events" in a tale of romance that starts our blood bounding and dims the glamour of much modern fiction. But for three chapters in the second part, on "The Country," we register our undying obligation. Sandwiched in between an account of old Panama and the Panama of to-day is a translation of an account of Henry Morgan's famous raid on the Isthmus, ending with the Sack of Panama, written by one Esquemeling, a pirate and a member of the band. The accounts of the churches, the resources of the country, the happy hunting-ground of archæologists among the ancient graves of the Chiriqui, are models for the library traveler who aims to bring local color to the stay-at-home reader. But we must confess that when we had come to the last page and absorbed our last impression we turned back and read once more about Henry Morgan!

THE NEW NATIONALISM. By THEODORE ROOSEVELT. New York: The Outlook Company, 1911.

A club of ten small boys ranging between the ages of nine and fourteen —Russian Jews by extraction and red-hot Americans by conviction—was organized some years ago in a City Settlement for the study of American heroes. A committee was appointed to draw up a constitution. After a single session it presented a document to the present reviewer for consideration, which for point and pith excelled any State papers or letters patent that previous experience or subsequent research have revealed. It read as follows:

"Article I. This club is named the Teddy Roosevelt.

Article II. Mustn't spit.

Article III. Mustn't swear.

Article IV. Mustn't lie."

The public utterances of the American hero thus immortalized, which are collected in book form under the title *The New Nationalism,* recall vividly the mandatory nature of the last three articles. The American people in general, and Western Americans in particular, are adjured that they must be honest; they must be courageous, they must have common

sense and show fair play (beg pardon, "a square deal"!) to all parties. There is no need to lay emphasis on intelligence, wisdom, or foresight as civic virtues. There is no demand that the leaders of the people shall excel and surpass the electorate in experience or vision, for we are told: "In a democracy like ours we cannot expect the stream to rise higher than its source. If the average man and woman are not of the right type, your public men will not be of the right type." *The New Nationalism*, which means a consideration of the good of the whole as over against the good of local or special interests, depends not on new knowledge, but on certain old moralities.

The views of the distinguished author on the relation between State and Federal powers, on the conservation of natural resources, on the relation of Capital and Labor, on the principle of government by expert commission, are enunciated with characteristic vigor and common sense, and express what many American citizens believe and have believed for a long time. They contain not a whit of original material nor a single original idea. A heartless academe would say that the unit of their value was quantitative rather than qualitative, and that their appeal was to numbers rather than to intelligence. We learn from the introduction that the addresses were delivered before "great," "huge," "vast," "big," "large" "throngs," "masses," "assemblages," and "audiences," and they suffer somewhat when reduced in scope to a single volume and a gentle reader. Reviewed without passion and compared with the private sentiments publicly uttered by other American citizens, they do not seem to merit the editorial reverence bestowed upon them in the introduction and in the concluding historical summary. Mr. Ernest Hamlin Abbott performs the mental equivalent of taking off his shoes as he approaches the sacred ground of Mr. Roosevelt's personality. The esteemed editor of the *Outlook* places this series of speeches in historical sequence with the movement to extend Federal powers initiated by Washington and furthered by Lincoln.

But in the woof of political platitudes concerning democracy runs a warp of doctrine that is not democratic. A private citizen on a lecturing tour thus addresses the Denver Live Stock Association: "All that I ask—I do not ask it, I demand it—on behalf of the people is that these corporations submit to such supervision and control as shall insure that, together with the development, together with the benefit to the man making the development, there shall go good to the public." "If you find it (range control) excludes any small man and you will bring any specific facts to me I will do my best to remedy it." "If there is one lesson I would rather teach my fellow-Americans than any other, it is to hound down the dishonest man." "I will cinch the dishonest man of the other party, and if he is a member of my own party I will cinch him a little bit quicker." In discussing the cruise of the battle-ships around the world with "our people" of Omaha we read: "I said I had money to send it (the fleet) to the Pacific and I intended to send it there, and then if they did not want to appropriate the money to get it back it was their affair." "We took that canal upon the ground that Uncle Sam was big enough to tackle the job, and now we have got to show that Uncle Sam is big enough to make a good job of it." "I want the good-will of every nation; I want to deserve it, but in vital matters I don't want to trust to it."

"Upon what meat doth this our Cæsar feed that he is grown so great?" Strong meat, no doubt, too strong for babies, for the average man and woman, for the student of politics and the lovers of freedom, beauty, and wisdom, whose faint pipings are drowned by the trumpet's blare. This may be *The New Nationalism*, but it is not democracy.

THE CONFLICT BETWEEN INDIVIDUALISM AND COLLECTIVISM IN A DEMOCRACY. By CHARLES ELIOT. New York: Charles Scribner's Sons, 1911.

Nothing could be more unlike *The New Nationalism* in temper and treatment than President Eliot's three lectures on *The Conflict Between Individualism and Collectivism in a Democracy*. Both books consider many of the same social, industrial, and political problems. The solution proposed in one is the sharp bending of the popular will, in the other the slow changing of the popular attitude of mind by education. Individualism, as defined by President Eliot, is that tendency in human society to emphasize the rights of each person and to place a high value on initiative. Collectivism is the tendency to distrust individual initiative and to hold "that the interest of the many should override the interest of the individual, and, whenever the two interests conflict, should control social action, and yet does not propose to extinguish the individual, but only to restrict him for the common good, including his own." These two tendencies have come into constant conflict for over a century. Since 1870 Collectivism as a social programme has made steady gains at the expense of the older individualistic points of view. Three aspects of this conflict are discussed with the keen insight of a man of affairs, and the wealth of knowledge and experience of a close student of men and institutions: first in the industries, secondly in education, and thirdly in government. In all these three departments of human activity Collectivism has steadily gained on Individualism. The development has been constructive, not destructive, inevitable in consequence of other profound social and industrial changes beneficial in the present and hopeful for the future. It tends neither to anarchy nor to despotism. Its object is that stated in the preamble of the Federal Constitution: "To promote the general welfare and secure the blessings of liberty to ourselves and our posterity."

ANNALS OF EDUCATIONAL PROGRESS. By J. P. GARBER. Vol. VIII., Lippincott's Educational Series. Philadelphia and London: J. B. Lippincott, 1911.

The most absorbing problems which modern men and women are called upon to grapple with are—after problems of local, State, or Federal government—those connected with school, college, and university administration. Governing the people and educating the people were considered by the Greeks the only pursuits worthy of a free citizen. They remain in twentieth-century America the pursuits which present the greatest complexity of human interests and demand the most disinterested service. A glance through J. P. Garber's *Annals of Educational Progress* for 1910, which appears as Volume VIII. of Lippincott's Educational Series, gives a very fair idea of the complexity which faces the modern educator, and

it is a book which teachers and administrators cannot afford to disregard.

It is a sign of the times that Part I. should be devoted to Vocational Education, the new debatable ground in the educational world, and that the interests of the public school come second. The idea of vocational training in the school and vocational guidance to a future occupation after school has turned the trend of discussion in the last few years away from things purely pedagogic. For the time being many teachers are more interested in what the child is to do when he is a man than in what or how he is to learn while he is a child. The sections of Mr. Garber's book dealing with the institutions for higher learning are less satisfactory than those dealing with elementary and secondary schools. But teachers of all grades will read with interest Part IV., on "matters affecting the emoluments and standing of teachers." According to the Carnegie Foundation, the average salary of a college professor in the United States is $1,376, of a man teacher in the public schools $750, of a woman teacher $600. Education is the only thing in this country that is given for less than its value, and teachers the only craftsmen for whom "love of their work" openly supplements the pay envelope.

The *résumé* of foreign educational interests in Part VI. contains many valuable references to foreign methods and are of special value in dealing with the various foreign elements in the city schools. "The school," said President Faunce, "is a great melting-pot where our diverse people and multiple interests are fused into national unity." The teacher in this country, rather than the statesman, has his hand on the pulse of national life.

Is Mankind Advancing? By Mrs. John Martin. New York: The Baker & Taylor Company, 1910.

Had the writer of this remarkable literary production (we hesitate to call it a book) flourished in the latter part of the seventeenth century in the heyday of the bombastic pamphleteers our emotions on perusal would be less mixed. We might have classed it with Bramhall's *Catching of Leviathan, the Great Whale,"* or even identified it as an obscure work of the great Hobbes himself. But the date on the title-page proclaims it twentieth century and internal evidence verifies the date. So much atrociously bad writing, superficial study, and sloppy thinking has been devoted to American social problems in the last few years that when the publishers' advanced note, advertising the fact that Mrs. Martin's work took as the norm of critical judgment certain elements of Greek social and political life, the heart of this reviewer leaped up and rejoiced as did the "little hills" of the Psalmist. Re-reading and reflection reveal awe rather than gladness.

By means of a calculus that must forever remain a mystery to the slave of the historical method, Mrs. Martin subtracts the well-known defects of the Greeks from their illustrious attainments and arrives at a sum total of merit. "The credit side of Greek culture which is here described is a net result—after the debit side has been deducted." With this net result as a criterion our progress is measured by "genius," by "more things and more facts," by "morals," and by "mysticism." In every aspect of life we moderns are weighed and found wanting. It is a wonder that such unfit

creatures as modern men have managed to survive—still, Darwin, not being a Greek, may have been mistaken in his formula of progress. A great many of Mrs. Martin's animadversions against the evils of modern life are true and cannot be presented to the popular mind too often or too vigorously, but the sweeping assertions of the author are rendered ineffective by the fact that she seems totally ignorant of modern studies in logic, psychology, and biology—especially Mendel's Law—and of the conclusions of modern mathematicians, physicists, and astronomers. An instance may be cited of the painless methods employed in dismissing a subject: "The science of logic was begun and completed by Aristotle at one stroke. No one understood its laws before him and no one has known any more since."

But though the author's armor is perforated for attack, we shall exhibit a Greek restraint in refraining from mentioning any defects or flaws other than those of form. As a printed work it is a model of what the plastic mind of youth should avoid imitating. It has annoying footnotes—on some pages longer than the text; it marshals authority without introduction; prefacing to unassimilated quotation such phrases reminiscent of the Book of Common Prayer as "Cuvier says," "Kant wrote," "Cicero said." Goethe, Hegel, and Romanes are deserving only of a colon. There is no discriminating between authorities thus assembled, and there are too few references to the source of the quotations. "Withington," "Copleston," and "Professor Middleton" find their places among the little great men of our day and the heroes of antiquity, but our ardor for research was dampened when on looking up the last-named authority in *Minerva* we found that, like that other beautiful lyrical child, he is seven!

Is Mankind Advancing? as we hinted before, is not a book. It is a hail-storm of facts, a cyclone center of quotations, a draughty alley for every wind of doctrine. In passing through the reviewer caught a mental influenza—fortunately not fatal.

A Rational Banking System. By H. M. P. Eckardt. New York and London: Harper & Brothers.

Mr. Eckardt's *A Rational Banking System* is a brief for the system of Branch Banks and a criticism of the extravagance and insecurity of the *laissez-faire* methods of American banking. The book is the fruit of twenty-four years of experience in various Canadian Branch Banks and in the head office and of fifteen years of close study of American banking conditions. It combines in an unusual degree a wide range of information concerning banking conditions in many countries and a first-hand knowledge of the practical details of bank administration. After a preliminary criticism of some of the most apparent weaknesses in the American Single Bank System, such as defalcations and fraud, excessive cost, and liability to panics, Mr. Eckardt introduces his argument for the Canadian Branch Bank System by outlining the organization and working of several hypothetical Branch Banks: one in Massachusetts, a typical industrial and agricultural State, and one in Minnesota, a typical wheat-producing State. Of the three remedies proposed for solving the present problem of inelastic currency, the issue of asset currency, the establishment of a central bank, or the organization of branch banks, the author is naturally in favor of the third. But the discussion of the first two remedies is admirably clear and sug-

gestive. In summing up his arguments in favor of a radical change in the American Banking Law, Mr. Eckardt points out twenty-five advantages which the Canadian, English, and French Branch Bank System has over the American Single Bank System. A few of these will indicate the nature of the argument. The Branch Bank System would provide an effective method of checking and preventing fraud; it would reduce the number of bank failures; it would reduce the expense of conducting banking business; it would reduce the number of financial panics; it would extend good banking facilities to small villages and country communities; it would improve the borrowing facilities extended to large manufacturing and mercantile houses; it would facilitate the movement of crops; it would satisfactorily solve the currency question; it would lessen Wall Street's domination over other parts of the country; it would insure a large measure of banking publicity; and it would improve the international standing of the United States.

THE PRINCIPLES OF SCIENTIFIC MANAGEMENT. By FREDERICK WINSLOW TAYLOR. New York and London: Harper & Brothers, 1911.

Things are moving rapidly these days, and one uncanny evidence of the speed of the times is the way an innocent word or phrase in the course of a few months or years acquires significance. The simple description of a method or a mode of activity becomes by sheer repetition a "world movement," a "platform of social reform," a "philosophy of life." We have watched the careers of "strenuous," "social maladjustment," "social service," "vocational," "conservation," in their meteoric flight through the popular vocabulary. We confess to an hysterical tendency to break into tears when we are told that the "industries have left the homes and that women have followed them into the factories." It would seem that as a people we have so little originality of thought or power of articulation that we grasp as drowning men at straw phrases and, finding they give no support, drag them down to the murky depths of platitude. This may happen to "scientific management," and it would be a pity, for among the various tendencies of thought and action which the phrase comprehends lies perhaps the solution of our greatest industrial and administrative difficulties. In the radical changes which an application of its doctrines may bring about we foresee an industrial revolution even more far-reaching in its social and political consequences than that upheaval in the late eighteenth century which drove the unfortunate industries "out of the home." The theory and practice of scientific management may not be attributed entirely to the genius of Mr. Frederick W. Taylor. The *Zeitgeist* has ably abetted Mr. Taylor in bringing to successful completion tasks that dwarf the accomplishments of most able men. A study of Mr. Taylor's life and methods of work is still the best example we have of real scientific management. Mr. Taylor's little book on the *Principles of Scientific Management* is the best general expression we have of what purports to be the new principle of industrial organization, and what an increasing number of hard-headed business men and academic "visionaries" believe to be the promise of a new industrial life. The "principles" are few and simple; the industrial revolution that will ensue, and is ensuing, as they are being applied, is not only an increase of output, of wealth, and of wages, but a revolution in the attitude of the workman to his work, to his employer, and to the whole industrial world;

a revolution in the attitude of the employer to his workman, to his wealth, and to his relation to society. The formulæ for these changes are four in number: first, the development of a truly scientific method for each operation in each trade; second, the scientific selection of workmen for each operation; third, the scientific education and development of the workman in his trade; fourth, the intimate and friendly co-operation between management and men. The results of applying these principles sound like the pipe-dreams of an optimist. Schmidt, the pig-iron handler of Bethlehem, who in intelligence was but one long step ahead of a high-grade baboon, under scientific management increased his capacity to load pig-iron from twelve and one-half tons to forty-seven and one-half tons per day. Science applied to brick-laying increased the output from 120 to 350 bricks an hour; thirty-five girls could "scientifically" inspect the same number of ball-bearings that 120 had inspected under rule-of-thumb or "soldiering" methods, working eight and one-half hours instead of ten and one-half hours. Increased output, lower prices, higher wages, and a shorter working-day have everywhere followed the systematic introduction of Mr. Taylor's system. It would seem at the outset to realize the demands of organized labor, of progressive industrial interests, and the vision of the "friend of humanity."

But scientific management is as yet an experiment; the greatest in the industrial world since the days of Watt, Arkwright, Crompton, and Telford. Alarmists are crying out about the "machine man," the loss of initiative to the individual workman. Mr. Gompers has a gnawing suspicion that it "presents old systems of force-work, tyrannical supervision, and sweating under the guise of new terms." "The object of the system," according to the *Federationist*, "is to transform every factory into an industrial speedway." In the controversy that is raging for and against the principles of scientific management one fact stands out very clearly. Before we attempt to gear the human machine any higher we must institute a very vigorous educational campaign as to the end and aim of human productivity, a campaign which Mr. Taylor has opened and which should find enrolled the best citizens of the Republic.

"UNDER WESTERN EYES"*

BY JOSEPH CONRAD

CHAPTER XV—*(Continued)*

Miss Haldin recoiled from him a little, though he had made no movement, no gesture, but as if she had seen some change in his face charging his words with the significance of some hidden sentiment they shared together. To me, the silent spectator, they looked in a moment of sudden insight like two people becoming conscious of a spell which had been lying on them ever since they first set eyes on each other. Had either of them cast a glance then in my direction, I would have opened the door quietly and gone out. But neither did; and I remained, every fear of indiscretion lost in the sense of my enormous remoteness from their captivity within the somber horizon of Russian problems, the boundary of their eyes, of their feelings, the prison of their souls.

Frank, courageous, Miss Haldin controlled her voice in the midst of her slight trouble.

"What can this mean?" she asked, as if speaking to herself.

"It may mean that you have given yourself up to vain imaginings, while I have managed to remain among the truth of things and the realities of life—our Russian life—such as they are."

"They are cruel," she murmured.

"And ugly. Don't forget that—and ugly. Look where you like. Look near you, here abroad, where you are, and then look back at home, whence you came."

"You must look beyond the present." Her tone had an ardent conviction.

"The blind can do that best. I have had the misfortune to be born clear-eyed. And if you only knew what strange things I have seen! What amazing and unexpected apparitions . . . But why talk of all this!"

"On the contrary, I want to talk of all this with you," she protested, with grave serenity. The somber humors of her brother's friend left her unaffected, as though that bitterness, that suppressed anger, were the signs of an indignant rectitude. She saw that he was not an ordinary personality, and perhaps she did not want him to be other than he appeared to her trustful eyes. "Yes, with you especially," she insisted. "With you of all the Russian people in the world. . . ." A faint smile dwelt for a moment on her lips. "I am like poor mother in a way. I, too, seem unable to give up our beloved dead, who, don't forget, was all in all to us. I don't want to abuse your sympathy—but you must understand that it is in you that we can find all that is left of his generous soul."

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I was looking at him. Not a muscle of his face moved in the least. And yet even at the time I did not suspect him of insensibility. It was a sort of rapt expression. Then he stirred slightly.

"You are going, Kirylo Sidorovitch?" she asked.

"I! Going? Where? Oh yes, but I must tell you first. . . ." His voice was muffled and he forced himself to produce it with visible repugnance, as if speech were something disgusting or deadly. "That story, you know—the story I heard this afternoon. . . ."

"I know the story already," she said, sadly.

"You know it! Have you correspondents in Petersburg, too?"

"No; it's Sofia Antonovna. I have seen her just now. She sends you her greetings. She is going away to-morrow."

He had lowered at last his fascinated glance; she, too, was looking down, and standing thus before each other in the glaring light between the four bare walls they seemed brought out from the confused immensity of the Eastern borders to be exposed cruelly to the observation of my Western eyes. And I observed them. There was nothing else to do. My existence seemed so utterly forgotten by these two that I dared not now make a movement. And I thought to myself that, of course, they had to come together, the sister and the friend of that dead man. The ideas, the hopes, the aspirations, the cause of freedom, expressed in their common affection for Victor Haldin, the moral victim of autocracy—all that must draw them to each other fatally. Her very ignorance and his loneliness to which he had alluded so strangely must work to that end. And, indeed, I saw that the work was done already. Of course. It was manifest that they must have been thinking of each other for a long time before they met. She had the letter from that beloved brother kindling her imagination by the severe praise attached to that one name; and it was impossible to imagine that the two women should have been kept out of the intercourse between such intimate political friends. And if he was at all attached to that friend, if he had any admiration for his character, it was enough to guide his thoughts to that friend's sister. She was no stranger to him when he saw her first; and to see that exceptional girl was enough. The only cause for surprise was his strange and gloomy aloofness before her clearly expressed welcome. But he was young, and however austere and devoted to his revolutionary ideals, he was not blind. The period of reserve was over; he was coming forward in his own way. I could not mistake the significance of this late visit, for in what he had to say there was nothing urgent. The true cause dawned upon me: he had discovered that he needed her—whether he understood it or not—and she, perhaps, was moved by the same feeling. It was the second time that I saw them together, and I knew that the next time I would not be there, either remembered or forgotten. I would have virtually ceased to exist for both these young people.

I made this discovery in a very few moments. Meantime Natalia Haldin was telling Razumov briefly of our peregrinations from one end of Geneva to the other. While speaking she raised her hands above her head to untie her veil, and that movement displayed for an instant the strength and the grace of her youthful figure, clad in the simplest of mourning. In the transparent shadow the hat-rim threw on her face, her gray

eyes had an enticing luster. Her voice, with its unfeminine yet exquisite timbre, was steady, and she spoke quickly, frankly, unembarrassed. As she justified her action by the mental state of her mother a spasm of pain marred the generously confiding harmony of her features. I perceived that with his downcast eyes he had the air of a man who is listening to a strain of music rather than to articulated speech. And in the same way, after she had ceased, he seemed to listen, yet motionless, as if under the spell of suggestive sound. He came to himself muttering:

"Yes, yes. She had not shed a tear. She did not seem to hear what I was saying. I might have told her anything. She looked as if no longer belonging to this world."

Miss Haldin gave signs of profound distress. Her voice faltered. "You don't know how bad it has come to be. She expects now to see *him!*" The veil dropped from her fingers and she clasped her hands in anguish. "It will end by her seeing him," she cried.

Razumov raised his head sharply and attached on her a prolonged, thoughtful glance.

"H'm. That's very possible," he muttered in a peculiar tone, as if giving his opinion on a matter of fact. "I wonder what . . ." He checked himself.

"That would be the end. Her mind will be gone then and her spirit will follow."

Miss Haldin unclasped her hands and let them fall by her side.

"You think so?" he queried, profoundly. Miss Haldin's lips were slightly parted. Something unexpected and unfathomable in that young man's character had fascinated her from the first. "No, there's neither truth nor consolation to be got from the phantoms of the dead," he added, after a weighty pause. "I might have told her something true; for instance, that your brother meant to save his life—to escape. There can be no doubt of that. But I did not."

"You did not! But why?"

"I don't know. Other thoughts came into my head," he answered. An extraordinary coolness had succeeded the confusion and trouble of the first moments of their meeting; but even then he seemed to me to be watching himself inwardly, as though he were trying to count his own heart-beats, while his eyes never for a moment left the face of the girl. "You were not there," he continued. "I had made up my mind never to see you again."

This seemed to take her breath away for a moment.

"You . . . How is it possible?"

"You may well ask. . . . However, I think that I refrained from telling your mother from prudence. I might have assured her that in the last conversation he held as a free man he mentioned you both. . . ."

"That last conversation was with you," she struck in in her deep, moving voice. "Some day you must . . ."

"It was with me. Of you he said that you had trustful eyes. And why I have not been able to forget that phrase I don't know. It meant that there is in you no guile, no deception, no falsehood, no suspicion—nothing in your heart that could give you a conception of a living, acting, speaking lie if ever it came in your way. That you were a predestined victim . . . What a devilish suggestion!"

The convulsive, uncontrolled tone of the last words disclosed the precarious hold he had over himself. It was like a man defying his own dizziness in high places and tottering suddenly on the very edge of the precipice. Miss Haldin pressed her hand to her breast. The dropped black veil lay on the floor between them. Her movement steadied him. He looked intently on that hand till it descended slowly, and then raised again his eyes to her face. But he did not give her time to speak.

"No? You don't understand? Very well." He had recovered his calm by a miracle of will. "So you talked with Sofia Antonovna?"

"Yes. Sofia Antonovna told me . . ." Miss Haldin stopped, wonder growing in her wide eyes.

"H'm! That's the respectable enemy," he muttered, as though he were alone.

"The tone of her references to you was extremely friendly," remarked Miss Haldin, after waiting for a while.

"Is that your impression? And she the most intelligent of the lot, too. Things then are going as well as possible. Everything conspires to . . . Ah! These conspirators," he said, slowly, with an accent of scorn. "They would get hold of you in no time! You know, Natalia Viktorovna, I have the greatest difficulty in saving myself from the superstition of an active Providence. It's irresistible . . . The alternative, of course, would be the personal devil of our simple ancestors. But if so he has overdone it altogether—the old father of lies—our national patron—our domestic god whom we take with us when we go abroad. He has overdone it. It seems that I am not simple enough. . . . That's it! I ought to have known. . . . And I did know it," he added, in a tone of poignant distress which overcame my astonishment.

"This man is deranged," I said to myself, very much frightened.

The next moment he gave me a very special impression beyond the range of commonplace definitions. It was as though he had stabbed himself outside and had come in there to show it—and more than that—as though he were turning the knife in the wound and watching the effect. That was the impression rendered in physical terms. One could not defend oneself from a certain amount of pity. But it was for Miss Haldin, already so tried in her deepest affections, that I felt a serious concern. Her attitude, her face expressed compassion struggling with doubt on the verge of terror.

"What is it, Kirylo Sidorovitch?" There was a hint of tenderness in that cry. He only stared at her in that complete surrender of all his faculties which in a happy person would have had the name of ecstasy.

"Why are you looking at me like this, Kirylo Sidorovitch? I have approached you frankly. I need at this time to see clearly in myself . . ." She ceased for a moment, as if to give him an opportunity to utter at last some word worthy of her exalted trust of her brother's friend. His silence became impressive, like a sign of some momentous resolution.

In the end, Miss Haldin went on, appealingly:

"I have waited for you anxiously. But now that you have been moved to come to us in your kindness—you alarm me. You speak obscurely. It seems as if you were keeping back something from me."

"Tell me, Natalia Viktorovna"—he was heard at last in a strange, unringing voice—"who did you see in that place?"

She was startled—as if deceived in her expectations.

"Where? At Peter Ivanovitch's rooms? There was Mr. Laspar and three other people."

"Ha! The vanguard—the forlorn hope of the great plot," he commented to himself. "Bearers of the spark to start an explosion which is meant to change fundamentally the life of so many millions in order that Peter Ivanovitch should be the head of a state."

"You are testing me," she said. "Our dear one told me once to remember that men serve always something greater than themselves—the idea."

"Our dear one," he repeated, slowly. The effort he made to appear unmoved absorbed all the force of his soul. He stood before her like a being with hardly a breath of life. His eyes even, as under great physical suffering, had lost all their fire. "Ah! Your brother . . . but on your lips, in your voice, it sounds . . . and, indeed, in you everything is . . . I wish I could know the innermost depths of your thoughts, of your feelings."

"But why, Kirylo Sidorovitch?" she cried, alarmed by these words coming out of strangely lifeless lips.

"Have no fear. It is not to betray you. So you went there. . . . And Sofia Antonovna, what did she tell you then? . . ."

"She said very little really. She knew that I should hear everything from you. She had no time for more than a few words." Miss Haldin's voice dropped and she became silent for a moment. "The man, it appears, has taken his life," she said, sadly.

"Tell me, Natalia Viktorovna," he asked, after a pause, "do you believe in remorse?"

"What a question!"

"What can you know of it?" he muttered, thickly. "It is not for such as you. . . . What I meant to ask was whether you believed in the efficacy of remorse."

She hesitated as though she had not understood, then her face lighted up.

"Yes," she said, firmly.

"So he is absolved. Moreover, that Ziemianitch was a brute—a drunken brute."

A shudder passed through Natalia Haldin.

"But a man of the people," Razumov went on, "to whom they, the revolutionists, tell a tale of sublime hopes. Well, the people must be forgiven. . . . And you must not believe all you've heard from that source either," he added, with a sort of sinister reluctance.

"You are concealing something from me," she exclaimed.

"Do you, Natalia Viktorovna, believe in the duty of revenge?"

"Listen, Kirylo Sidorovitch, I believe that the future will be merciful to us all. Revolutionist and reactionary, victim and executioner, betrayer and betrayed, they shall all be pitied together when the light breaks on our black sky at last. Pitied and forgotten, for without that there can be no union and love."

"I hear. No revenge for you, then? Never? Not the least bit?" He smiled bitterly with his colorless lips. "You yourself are like the very spirit of that merciful future. Strange that it does not make it easier. . . . No! But suppose that the real betrayer of your brother—Ziemianitch had a part in it too, but insignificant and quite involuntary—suppose that

he was a young man, educated—an intellectual worker—thoughtful—a man your brother might have trusted lightly perhaps, but still—suppose . . . But there's a whole story there."

"And you know the story? But why then . . ."

"I have heard it. There is a staircase in it—and even phantoms—but that does not matter if a man always serves something greater than himself—the idea. I wonder who is the greatest victim in that tale."

"In that tale!" Miss Haldin repeated. She seemed turned into stone.

"Do you know why I came to you? It is simply because there is no one anywhere in the whole great world I could go to. Do you understand what I say? No one to go to. Do you conceive the desolation of the thought: no one to go to. . . ."

She was so utterly misled by her own enthusiastic interpretation of two lines in the letter of a visionary, so much already under the spell of her own dread of lonely days in their overshadowed world of angry strife, that she was a thousand miles from the glimpse of the truth struggling on his lips. What she was conscious of was the obscure form of his suffering. She was on the point of extending her hand to him impulsively when he spoke again.

"An hour after I saw you first I knew how it would be. The terrors of remorse, revenge, confession, anger, hate, fear are like nothing to the atrocious temptation which you put in my way the day you appeared before me with your voice, with your face, in the garden of that accursed villa."

She looked utterly bewildered for a moment; then with a sort of swift despair she went straight to the point.

"The story, Kirylo Sidorovitch, the story!"

"There is no more to tell." He made a movement forward, and she actually put her hand on his shoulder to push him away, but her strength failed her, and he kept his ground, though trembling in every limb. "It ends here—on this very spot. The man stands before you." He pressed a denunciatory finger to his breast with force and became perfectly still. I ran forward snatching up the chair, and was in time to catch hold of Miss Haldin and lower her down. As she sank into it she swung half round on my arm and remained averted from us both drooping over the back. He looked down at her with a horrible expressionless tranquillity. Incredulity struggling with astonishment, anger, and disgust deprived me of my power of speech. Then I turned on him, speaking low from very rage.

"This is monstrous. What are you staying for now? Don't let her catch sight of you again. Go away. . . ." He did not budge. "Don't you understand that your presence is horrible—even to me? You've behaved atrociously. If there's any sense of shame in you, you will go at once."

Slowly his big head, his sullen eyes, moved in my direction. "How did this old man come here?" he muttered, astounded.

Suddenly Miss Haldin sprang up from the chair without giving us a glance, made a few steps, and tottered. Forgetting my indignation and even the man himself, I hurried to her assistance. I took her by the arm, and she let me lead her into the drawing-room. Away from the lamp, in the deeper dusk of the distant end, the profile of Mrs. Haldin, her hands had an

unearthly whiteness. The whole figure had the stillness of a somber painting. Miss Haldin stopped, leaning on my arm, and without a word pointed mournfully at the terrible immobility of her mother, who seemed to watch a beloved head lying in her lap.

That gesture had an unequaled force of expression—so tragic, so far-reaching in its human distress that one could not believe that it pointed out merely the ruthless working of political institutions. After assisting Miss Haldin to the sofa, I turned round to go back and shut the door; but framed in the opening, in the searching glare of the white anteroom, my eyes met another instructive picture. Razumov was still there, standing before the empty chair, as if rooted forever to the spot of his atrocious confession. A wonder came over me that the mysterious force which had torn it out of him had failed to shatter his body. It was there unscathed. I could see the broad line of his shoulders, his dark head, the amazing immobility of his limbs. On the floor near his feet the veil dropped by Miss Haldin looked intensely black in the white crudity of the light. He seemed to be gazing down at it spellbound. Next moment, stooping with an incredible savage swiftness, he snatched it up and pressed it to his face with both hands. Something, extreme astonishment perhaps, dimmed my eyes, so that he seemed to vanish before he moved.

The slamming of the outer door restored my sight, and I went on contemplating the empty chair in the empty anteroom. The meaning of what I had seen reached my mind with a staggering effect. I seized Natalia Haldin by the shoulder.

"That miserable wretch has carried off your veil," I cried, in the scared, deadened voice of an awful discovery. "He . . ."

The rest remained unspoken. I stepped back and looked at her confused and scared. Her hands were lying lifelessly, palms upward, on her lap; she raised her gray eyes slowly. Shadows seemed to come and go in them, as if the steady flame of her soul had been made to vacillate at last in the cross-currents of poisoned air from the corrupted dark immensity claiming her for its own, where virtues themselves fester into crimes in the cynicism of oppression and revolt.

"It is impossible to be more unhappy . . ." The languid effort of her voice struck me with dismay. I could almost wish myself dead. . . . I feel my heart becoming like ice."

CHAPTER XVI

Razumov walked straight home on the wet, glistening pavement. A shower passed over him; distant lightning played faintly against the fronts of the dumb houses with the shuttered shops all along the Rue de Carouge; and now and then after the faint flash there was a faint, sleepy rumble, but the main forces of the thunder-storm remained massed down the Rhone Valley, as if loath to attack the respectable and passionless abode of democratic liberty, the serious-minded town of dreary hotels tendering the same indifferent, secretly scornful hospitality to tourists of all nations and to international conspirators of every shade.

The owner of the shop was making ready to close when Razumov entered and without word extended his hand for the key of his room. On reaching it for him from a shelf, the man was about to pass a small joke as to taking

the air in a thunder-storm, but, after looking at the face of his lodger, he only observed, just to say something,

"You've got wet."

"It's nothing," muttered Razumov, and passed through the inner door toward the staircase leading to his room.

He did not change his clothes, but, after lighting the candle, took off his watch and chain, laid them on the table, and sat down at once to write. The book of his compromising record was kept in a locked drawer, which he pulled out violently and did not even trouble to push back afterward.

In this queer pedantism of a man who had read, thought, lived pen in hand, there is the sincerity of the attempt to grapple by the same means with another knowledge. After some passages which have been already made use of in the building up of this narrative or add nothing new to the psychological side of this disclosure (there is even an allusion to the silver medal), comes a page and a half of incoherent writing where his expression is baffled by the novelty and the mysteriousness of that side of our emotional life to which his solitary existence was a stranger. Then only he begins to address directly the reader he had in his mind, trying to tell in broken sentences full of wonder and awe of the sovereign (he uses that very word) power of her person over his imagination in which lay the dormant seed of her brother's words.

". . . The most trustful eyes in the world—he said of you when he was as well as a dead man already. And when you stood before me offering your hand I remembered the very sound of his voice and I looked into them —and that was enough. I knew that something had happened, but I did not know then what. . . . But don't be deceived, Natalia Viktorovna. I thought I had in my breast nothing but an inexhaustible fund of anger and hate for you. I remembered that he had looked to you for the perpetuation of his visionary soul. He had robbed me of my hard-working, purposeful existence. I, too, had my idea, and remember that among us it is more difficult to lead such a life than to go out in the street and kill from conviction. But enough of that. Hate or no hate, I know that while shunning the sight of you I could never succeed in driving away your image. I would say, addressing that dead man, 'Is this the way you are going to haunt me?' It is only later than I understood—only to-day, only a few hours ago. What could I have known of what was tearing me to pieces and dragging the secret forever to my lips? You were appointed to undo the evil by making me betray myself back into truth and peace. You! And in the same way, too, by forcing upon me your confidence. Only what I detested him for in you ended by appearing noble and exalted. But be not deceived. I exulted in having induced that silly, innocent fool to steal his father's money. He was a fool, but not a thief. I made him one. It was necessary. I had to confirm myself in my contempt and hate for what I betrayed. I have had as many vipers in my heart as any social democrat of them all—vanity, ambitions, jealousies, shameful desires, evil passions of envy and revenge. I had my security stolen from me, years of good work, my best hopes. Listen—now comes the true confession. The other was nothing. To save me your trustful eyes had to entice me to the very edge of the blackest treachery. I could see them constantly looking at me with the confidence of your pure heart that had not been touched by evil things. Victor Haldin had stolen the truth of my life from me who had

nothing else in the world, and he boasted of living on through you on this earth where I had no place to lay my head on. She will marry some day, he had said—and your eyes were trustful. And do you know what I said to myself? I shall steal his sister's soul from her. When we met that first morning in the gardens and you spoke to me confidingly in the generosity of your spirit I was thinking: he has delivered her into my hands! If you could have looked then into my heart you would have cried out with horror and shame.

"Perhaps no one will believe such an intention. It's certain that when we parted that morning I gloated over it. I brooded upon the best way. That old man walked with me. I don't know who he is. He talked of you, of your lonely, helpless state, and every word of that friend of yours was egging me on. Could it have been the devil in the shape of an old Englishman? Natalia Viktorovna, I was possessed! I came to look at you every day and poison myself with the plans of my infamous intention. But I foresaw difficulties. Then Sofia Antonovna, of whom I was not thinking —I had forgotten her existence—appears suddenly with that tale from St. Petersburg. . . . The only thing needed to make me safe—a trusted revolutionist forever.

"It was as if Ziemianitch had hanged himself on purpose. The strength of falsehood seemed irresistible. These people were doomed by the folly and the illusion that was in them, being themselves the slaves of lies. Natalia Viktorovna, I embraced it, I exulted in it—I gave myself up to it for a time. Who could have resisted! You yourself were the prize of it. I sat alone in my room planning a life the very thought of which makes me shudder now like a believer tempted to a sacrilege. But I brooded ardently over its images. The only thing was that there seemed to be no air in it. And also I was afraid of your mother. I never knew mine. I've never known any kind of love. There is something in the mere word. . . . Of you I was not afraid—forgive me for telling you this. No, not of you. You were truth itself. You could not suspect me. As to your mother, you yourself feared already that her mind had given way from grief. Who could believe anything against me? Had not Ziemianitch hanged himself from remorse? I said to myself: 'Let's put it to the test and be done with it once for all.' I trembled when I went in, but your mother hardly listened to what I was telling her, and in a little while seemed to have forgotten my very existence. I sat looking at her. There was no longer anything between you and me. You were defenseless—and soon, very soon, you would be alone. . . . I thought of you. Defenseless. Pardon this presumption. For days you have talked with me—opening your heart. I remembered the shadow of your eyelashes over your gray, trustful eyes. And your pure forehead! It is low, like the forehead of statues—calm, unstained. It was as if it bore a light which fell on me and searched my heart. Your light. Your truth. I felt I must never see you again. But where could I go? Nothing, nowhere, no one. And then suddenly you stood before me! And then you stood before me. You alone in all the world to whom I could confess. You fascinated—you have freed me from the blindness of anger and hate—the truth in you drew the truth out of me. Now I have done it; and as I write here I am profoundly unhappy, but there is air at last—air. And, by-the-bye, that old man sprang up from somewhere just now and raged at me like a disappointed devil.

I suffer horribly, but I am not in despair. There is only one more thing to do for me. After that—if they let me—I shall go away and bury myself in obscure misery. In giving Victor Haldin up it was myself, after all, that I have betrayed most basely. You must believe me—you can't refuse to believe this. Most basely. It is through you that I came to feel this so deeply. Therefore, it is they and not I who have the right on their side—the strength of invisible powers. So be it. Only don't be deceived, Natalia Viktorovna. I am not converted. Have I, then, the soul of a slave? No! I am independent, and therefore perdition is my lot."

On these words he stopped writing, shut the book, and wrapped round it the black veil he had carried off; then he ransacked the drawers for paper and string, made up a parcel, which he addressed to Miss Haldin, Boulevard des Philosophes, and then flung the pen away from him into a distant corner.

This done, he sat down with the watch before him. He could have gone out at once, but the hour had not struck. The hour would be midnight. There was no reason for that choice, except that the facts and the words of a certain evening in his past timed his conduct in the present. The sudden power Natalia Haldin had gained over him at the very first sight he ascribed to the same cause. "You don't walk with impunity over a phantom's breast," he heard himself mutter. "Thus he saves me," he thought, suddenly. "He himself the betrayed man." The vivid image of Miss Haldin seemed to stand by him, watching him relentlessly. She was not disturbing. He had done with life, and his thought even in her presence tried to take an impartial survey. Now his scorn extended to himself. "I had neither the simplicity nor the courage nor the self-possession to be a scoundrel—or an exceptionally able man—for who with us in Russia is to tell a scoundrel from an exceptionally able man. . . ."

He was the puppet of his past, because at the very stroke of midnight he jumped up and ran headlong down-stairs with no thought of his latch-key, as if confident that by the power of destiny the house-door would fly open before the absolute necessity of his errand. And, as a matter of fact, just as he got to the bottom of the stairs it was opened for him by some people of the house coming home late—two men and a woman. He slipped out through them into the street, swept then by a fitful gust of wind. They were, of course, very much startled. A flash of lightning enabled them to observe him walking away quickly. One of the men shouted and was starting in pursuit, but the woman had recognized him. "It's that young Russian from the third floor." The darkness returned with a single clap of thunder, like a gun fired for a warning of his escape from the prison of lies.

He must have heard at some time or other and now remembered unconsciously that there was to be a gathering of revolutionists at the house of Julius Laspara that evening. At any rate, he made straight for the Laspara house, and found himself without surprise before its street-door, which of course was closed. By that time the thunder-storm had attacked in earnest. The steep incline of the street ran with water, the thick fall of rain swirled round him like a luminous veil in the play of lightning. He was perfectly calm, and between the crashes listened attentively to the delicate tinkling of the bell somewhere within the house.

There was some difficulty before he was admitted. His person was not

known to that one of the guests who had volunteered to go down and see what was the matter. Razumov argued with him patiently. There could be no harm in admitting a caller. He had something to communicate to the company up-stairs.

"Of importance?"

"That 'll be for the hearers to judge."

"Urgent?"

"Without a moment's delay."

In the end one of the Laspara daughters descended the stairs, small lamp in hand, in a loose, begrimed gown which seemed to hang on her by a miracle, and looking more than ever like an old doll with a dusty brown wig dragged from under a sofa. She recognized Razumov at once.

"How do you do? Of course you may come in."

Following her light, Razumov climbed two flights of stairs from the lower darkness. Leaving the lamp on a bracket on the landing, she opened a door and went in, accompanied by the skeptical guest. Razumov entered last. He closed the door behind him, and, stepping to one side, put his back against the wall.

The three little rooms "en suite," with low, smoky ceilings and lit by paraffin lamps, were very full. Loud talking was going on in all three, and tea-glasses, full, half full, and empty, stood everywhere, even on the floor. The other Laspara girl sat behind an enormous samovar. In the inner doorway Razumov had a glimpse of the protuberance of a large stomach, which he recognized. Only a few feet from him Julius Laspara was getting down from his high stool.

The appearance of the midnight guest caused some sensation. Laspara is very summary in his version of that night's happenings. After some words of greeting, disregarded by Razumov, Laspara (ignoring purposely his guest's soaked condition and his extraordinary manner of presenting himself) mentioned something about writing an article. He was growing uneasy, and Razumov appeared absent-minded. "I have written already all I shall ever write," he said at last, with a little laugh.

Everybody's attention in that room was turned to the new-comer, dripping with water, deadly pale, and keeping his position against the wall. Razumov put Laspara gently aside, as though he wished to be seen from head to foot by everybody. By then the buzz of conversation had died down completely, even in the most distant of the three rooms. The doorway facing Razumov became blocked by people, who craned their necks and certainly seemed to expect something to happen.

A squeaky declaration was heard from there.

"I know the individual."

"What individual?" asked Razumov, raising his bowed head and searching with his eyes all the eyes fixed upon him. An intense, surprised silence lasted for a time. "If it's me . . ."

He stopped, thinking over the form of his confession—and found it suddenly, unavoidably suggested by the fateful evening of his life.

"I am come here," he began in a clear voice, "to talk of an individual called Ziemianitch. Sofia Antonovna has informed me that she would make public a certain letter from Petersburg. . . ."

"Sofia Antonovna has left us early in the evening," said Laspara. "It's quite correct. Everybody here . . ."

"Very well," Razumov interrupted, with a shade of impatience, for his heart was beating strongly. Then mastering his voice so far that there was even a taint of irony in his clear, forcible enunciation:

"In justice to that individual, the much ill-used peasant Ziemianitch, I now declare solemnly that the conclusions of that letter calumniate a man of the people—a bright Russian soul. He had nothing to do with the actual arrest of Victor Haldin."

Razumov dwelt on the name heavily and then waited till the faint, mournful murmur which greeted it had died out.

"Victor Victorovitch Haldin, acting no doubt with noble-minded imprudence, took refuge with a certain student of whose opinions he knew nothing but what his illusions suggested. It was no doubt a generous display of confidence. But I am not here to appreciate the actions of Victor Haldin. Am I to tell you of the feelings of that student, sought out in his obscure solitude and menaced by the complicity forced upon him? Am I to tell you what he did? It's a complicated affair. In the end he went to General T—— himself, and said: 'I have the man who killed P—— locked up in my room; Victor Haldin—a student.'" A great buzz arose, in which Razumov raised his voice. "Observe—that man had certain honest ideals in view. But I didn't come here to explain him."

"No; but you must explain how you know all this," came in grave tones from somebody.

"Vile coward!" This cry vibrated with indignation. "Name!" shouted other voices.

"What are you clamoring for?" said Razumov, disdainfully, in the profound silence which fell on the raising of his hand. "Haven't you all understood that I am the man?"

Laspara went away bruskly from his side and climbed upon his stool. In the first surge of people toward him Razumov expected to be torn to pieces, but they fell back, and nothing came of it but noise. It bewildered him. His head ached terribly. All he could make out was the name of Peter Ivanovitch, the word "judgment," and the phrase "But this is a confession," uttered by somebody in a desperate shout. In the midst of that uproar a young man, younger than himself, approached him with blazing eyes.

"I must beg you," he said, with venomous politeness, "to be good enough not to move from this spot till you are told what you are to do." Razumov shrugged his shoulders.

"I came voluntarily."

"Maybe; but you won't go till you are permitted," retorted the other.

He beckoned, calling out: "Louisa! Louisa! Here, please!" And presently one of the Laspara girls (they had been staring at Razumov from behind the samovar) came along trailing a bedraggled tail of dirty flounces and dragging with her a chair, which she set against the door, and, sitting down on it, crossed her legs. The young man thanked her effusively and rejoined a group discussing hotly. Razumov lost himself for a moment.

A shrill voice screamed, "Confession or no confession, he's a police spy."

The revolutionist Nikita had pushed his way in front of Razumov and faced him with his big, livid face, his heavy paunch, bull neck, and enormous hands. Razumov looked at the famous slayer of gendarmes in silent disgust.

"And you?" he said very low, and shut his eyes, upright, the back of his head against the wall.

"It would be better for you to depart," said a mild, sad voice—an elderly man with a great brush of hair and beard making like a halo of hairs all round his keen, intelligent face. "Peter Ivanovitch shall be informed of your confession—and you shall be directed . . ."

Then turning to Nikita, nicknamed Necator, he murmured: "What else can we do? His sincerity apart, he cannot be dangerous any longer."

The other muttered: "Better make sure of that before we let him go. Leave that to me."

He exchanged meaning glances with two or three men, who nodded slightly, then, turning roughly to Razumov: "You heard? You are not wanted here. Why don't you get out?"

The Laspara girl on guard rose and pulled the chair out of the way unemotionally. She gave a stony stare to Razumov, who passed slowly out, as if in deep thought.

"I beg you to observe," he said, turning in the doorway, "that I had only to hold my tongue. To-day of all days since I came among you I was made safe—and to-day I have made myself free from falsehood, from remorse—independent of every single human being on this earth."

He turned his back on the room and walked toward the stairs, but at the violent crash of the door behind him he looked over his shoulder and saw that Nikita, with three others, had followed him on the landing. "They are going to kill me, after all," he thought.

As he turned to face them they set on him and drove him suddenly against the wall. "I wonder how," he finished his thought. Nikita said, with a shrill laugh, "We shall make him harmless."

Razumov did not struggle. The three men held him pinned against the wall while Nikita, taking up his position, deliberately swung off his enormous arm. Razumov, looking for a knife in his hand, saw it open, unarmed, and received a tremendous blow on the side of his head over his ear. At the same time he heard a faint, dull, detonating sound, as if some one had fired a pistol on the other side of the wall. A raging fury awoke in him. It was then that the people in Laspara's rooms held their breath, listening to the desperate scuffling of four men all over the landing: thuds against the walls, a terrible crash against the very door—then a fall of several men going down together with a violence which shook the floor under their feet. Razumov, overpowered, crushed, breathless under the weight of his assailants, saw the monstrous Nikita squatting on his heels near his head while the others held him down, kneeling on his chest, gripping his throat, lying across his legs.

"Turn his face the other way," the paunchy terrorist directed.

Razumov could struggle no longer. He was exhausted—and, passive, he had to watch the heavy open hand swing off and descending again in a degrading blow. It seemed to crush his head—and all at once the men holding him became perfectly silent. In silence they pulled him brutally to his feet, rushed him headlong down the staircase, and, opening the door, flung him out violently into the street.

He fell on his face, and at once rolled helplessly down the short slope over and over with the rush of running water—and came to a rest at the roadway of the street at the bottom on his back with a great flash of

lightning in his eyes—a vivid, silent flash of lightning that blinded him utterly. He picked himself up and put his arm over his eyes to recover his sight. Not a sound reached him from anywhere. He walked on down a long, empty street. The lightning waved and darted round him its silent flames; the water of the deluge fell, ran, leaped, drove, noiseless like the drift of mist. In this unearthly silence his footsteps, too, fell silent on the pavement, while a mute wind drove him on and on like a lost mortal in a phantom world ravaged by a soundless thunder-storm. God only knows where his noiseless feet took him to that night, here and there, and back again; of one place at least where they did lead him we heard afterward—and in the morning the driver of the first south-shore tram-car, clanging his bell desperately, saw a bedraggled, soaked man without a hat walking in the roadway unsteadily, with his head down, step right in front of his car and go under.

When they picked him up with two broken limbs and a crushed side he had not lost consciousness. It was as though he had tumbled, smashing himself into a world of mutes. Silent men, moving unheard, lifted him up, laid him on a stretcher, gesticulated and grimaced round him their alarm, horror, and compassion. A red face with mustaches stooped close over him, lips moving, eyes rolling. Razumov tried to understand this dumb show. To those who stood round him the features of that man, so grievously hurt, seemed composed in meditation. Afterward his eyes sent out a look of fear and closed slowly. Razumov made an effort to remember some French words.

"I am deaf," he had time to exclaim feebly before he lost consciousness.

They carried him off in that same car. Before it started on its journey a woman in a shabby black dress, who had run out of the iron gate of some private grounds up the road, clambered onto the rear platform and would not be put off.

"I am a relation," she protested, in bad French. "This young man is a Russian, and I am his relation."

On this ground they let her have her way. She sat down calmly and took his head on her lap. Her scared eyes avoided looking at his death-like face. At the corner of a street on the other side of the town a stretcher met the car. She followed it to the door of the hospital, where they let her come in and see him laid on a bed. Razumov's new-found relation never shed a tear, but the officials had some difficulty in inducing her to go away. The porter observed her lingering on the opposite pavement for a long time. Suddenly she ran off.

CHAPTER XVII

It was nearly a week after her mother's funeral that I saw Natalia Haldin for the last time.

In those silent, somber days the doors of the apartment on the Boulevard des Philosophes were closed to every one but myself. I trust I was of some use, if only in this, that I alone was aware of the incredible part of the situation. Miss Haldin nursed her mother alone to the last moment. If Razumov's visit had anything to do with Mrs. Haldin's end (and I cannot help thinking that it hastened it considerably), it is because the man trusted impulsively by the ill-fated Victor Haldin had failed to gain

the confidence of Victor Haldin's mother. What tale, precisely, he told her cannot be known—at any rate I do not know it—but to me she seemed to die from the shock of an ultimate disappointment borne in silence. She had not believed him. Perhaps she could no longer believe any one, and consequently had nothing to say to any one—not even to her daughter. I suspect that Miss Haldin lived the heaviest hours of her life by that silent death-bed. I confess I was angry with the broken-hearted old woman passing away in the obstinacy of her mute distrust of her daughter.

When it was all over I stood aside. Miss Haldin had her compatriots round her then. A great number of them attended the funeral. I was there too, but afterward managed to keep away from Miss Haldin, till I received a short note rewarding my self-sacrifice. "It is as you would have it. I am going back to Russia at once. My mind is made up."

Verily, it was a reward of discretion. I went without delay to receive it. The apartment of the Boulevard des Philosophes presented the dreary signs of impending abandonment. It looked desolate and as if already empty to my eyes.

Standing, we exchanged a few words, her health, mine, remarks as to some people of the Russian colony; and then Natalia Haldin, establishing me on the sofa, began to talk openly of her future work, of her plans. It was all to be as I had wished it. And it was to be for life. We would never see each other again.

I gathered this reward to my breast. Natalia Haldin looked matured by her open and secret experiences. With her arms folded, she walked up and down the whole length of the room, talking slowly, smooth-browed, with a resolute profile. She gave me a new view of herself, and I marveled at that something grave and measured in her voice, in her movements, in her manner. It was the perfection of collected independence. The strength of her nature had come to surface because the obscure depths had been stirred.

"We two can talk of it now," she observed, after a silence, and stopping short before me. "Have you been to inquire lately?"

"Yes, I have." And as she looked at me fixedly—"He will live, the doctors say. But I thought that Tekla . . ."

"Tekla has not been near me for several days," explained Miss Haldin, quickly. "As I never offered to go to the hospital with her, she thinks that I have no heart. She is disillusioned about me."

And Miss Haldin smiled faintly.

"Yes. She sits with him as long and as often as they will let her," I said. "She says she must never abandon him; never as long as she lives. He'll need somebody—a hopeless cripple, and stone-deaf with that."

"Stone-deaf? I didn't know," murmured Natalia Haldin.

"He is. It seems strange. I am told there were no apparent injuries to the head. They say too that it is likely he won't live so very long for Tekla to take care of him."

"While there are travelers ready to fall by the way our Tekla shall never be idle. She is a good Samaritan by an irresistible vocation. The revolutionists didn't understand her. Fancy a devoted creature like that being employed to carry about documents sewn in her dress or made to write from dictation!"

"There is not much perspicacity in the world."

No sooner uttered, I regretted that observation. Natalia Haldin, looking me straight in the face, assented by a slight movement of her head. She was not offended, but, turning away, began to pace the room again. To my Western eyes she seemed to be getting farther and farther away, quite beyond my reach now, but undiminished in the increasing distance. I remained silent, as though it were hopeless to raise my voice. The sound of hers so close to me made me start a little.

"Tekla saw him picked up after the accident? The good soul never explained to me really how it came about. She affirms that there was some understanding between them—some sort of compact—that in any sore need, in misfortune, or difficulty, or pain, he was to come to her."

"Was there?" I said. "It is lucky for him that there was, then. He'll need all the devotion of the good Samaritan."

It was a fact that Tekla, looking out of her window at five in the morning for some reason or other, beheld Razumov in the grounds of the Château Borel, standing stock still, bareheaded, in the rain at the foot of the terrace. She had screamed out to him by name to know what was the matter. He never raised his head. By the time she had dressed herself sufficiently to run down-stairs he was gone. She started in pursuit, and, rushing out into the road, came almost directly upon the arrested tram-car and the small knot of people picking up Razumov. That much Tekla had told me herself one afternoon we happened to meet at the door of the hospital, and without any kind of comment. But I did not want to meditate very long on the inwardness of this strange episode.

"Yes, Natalia Viktorovna, he shall need somebody when they dismiss him on crutches and stone-deaf from the hospital. But I do not think that when he rushed like an escaped madman into the grounds of the Château Borel it was to seek the help of that good Tekla."

"No," she said, stopping short before me. "Perhaps not." She sat down and leaned her head on her hand thoughtfully.

The silence lasted for several minutes. During that time I remembered the evening of his atrocious confession—the plaint she seemed to have hardly enough life left in her to utter: "It is impossible to be more unhappy." . . . The recollection would have given me a shudder if I had not been lost in wonder at her force and her tranquillity. There was no longer any Natalia Haldin, because she had completely ceased to think of herself. It was a great victory, a characteristically Russian exploit in self-suppression.

She recalled me to myself by getting up suddenly like a person who had come to a decision. She walked to the writing-table, now stripped of all the small objects associated with her by daily use—a mere piece of dead furniture; but it contained something living still, since she took from some recess a flat parcel, which she brought to me.

"It's a book," she said, rather abruptly. "It was sent to me. I told you nothing at the time, but now I've decided to leave it with you. I have the right to do that. It was sent to me. It is mine. You may preserve it or destroy it after you have read it. And while you read it please remember that I *was* defenseless."

"Defenseless!" I repeated, surprised, looking hard at her.

"You'll find the very word written there," she whispered. "Well, it's true! I *was* defenceless. But perhaps you knew that yourself."

Her face colored, then went deadly pale.

"In justice to the man, I want you to remember that."

I rose, a little shaky.

"I am not likely to forget anything you say at parting."

Her hand fell into mine.

"It's difficult to believe that it must be good-by with us."

She returned my pressure, and our hands separated.

"Yes. I am leaving here to-morrow. My eyes are open at last and my hands are free now. As for the rest, which of us can fail to hear the stifled cry of our great distress. It may be nothing to the world—"

"The world is more attentive to your discordant voices," I said.

"Yes." She bowed her head in assent, and hesitated for a moment. "I must own to you that I have been thinking of the time when all discord shall be silenced. Just imagine! The tempest of blows and of execrations is over. All is still: the new sun is rising, and the weary men, united at last, taking count in their conscience of the ended contest, feel saddened by their victory because so many ideas have perished for the triumph of one, so many beliefs have abandoned them without support. They feel alone on the earth, and gather close together. Yes, there must be many bitter hours! But at last the anguish of hearts shall be extinguished in love."

And on this last word of her vision, a word so sweet, so bitter, so cruel sometimes, I said good-by to Natalia Haldin. It is hard to think I shall never look any more into the truthful eyes of that girl, wedded to an invincible belief in the advent of loving concord to be born like a heavenly flower from the soil of men's earth, soaked in blood, torn by struggles, watered with tears.

It must be understood that at the time I didn't know anything of Mr. Razumov's confession to the assembled revolutionists. Natalia Haldin might have guessed that this was the "one thing more" which remained for him to do, but this my Western eyes had failed to see.

Tekla, the ex-lady companion of Madame de S——, haunted his bedside in the hospital. We met once or twice at the door of that establishment, but on these occasions she was not communicative. She gave me news of Mr. Razumov as concisely as possible. He was making a slow recovery, but would remain a hopeless cripple all his life. Personally, I never went near him; I never saw him again after the awful evening when I stood by, a watchful but ignored spectator of his scene with Miss Haldin. He was in due course discharged from the hospital, and his "relative"—so I was told—had carried him off somewhere.

My information was completed nearly two years later; the opportunity certainly was not of my seeking. It was quite accidentally that I met a much-trusted woman revolutionist at the house of a distinguished Russian gentleman of liberal convictions who came to live in Geneva for a time.

He was a quite different sort of celebrity from Peter Ivanovitch. He was a dark-haired man, with kind, brown eyes, high-shouldered, courteous, and with something hushed and circumspect in his manner. He approached me, choosing the moment when there was no one near, followed by a gray-haired, alert lady in a crimson blouse.

"Our Sofia Antonovna wished to be made known to you," he addressed me in his soft voice. "And so I leave you to have a talk together."

"I would never have intruded myself upon your notice," the gray-haired lady began at once, "if I had not been charged with a message for you."

It was a message of a few friendly words from Natalia Haldin. Sofia Antonovna had just returned from a secret excursion into Russia, and had seen Miss Haldin. She had lived in a town "in the center," sharing her compassionate labors between the horrors of overcrowded jails and the heartrending misery of bereaved homes. She did not spare herself in the good service, Sofia Antonovna assured me.

"She has a faithful soul, an undaunted spirit, and an indefatigable body"—the woman revolutionist summed it all up with a touch of enthusiasm.

A conversation thus engaged was not likely to drop from want of interest on my part. We went to sit apart in a corner where no one interrupted us. In the course of our talk about Miss Haldin, Sofia Antonovna remarked suddenly:

"I suppose you remember seeing me before? That evening when Natalia came to ask Peter Ivanovitch for the address of a certain Razumov, that young man who—"

"I remember perfectly," I said. And when Sofia Antonovna learned that I had in my possession that young man's journal, given me by Miss Haldin, she became intensely interested, without any concealment whatever of her curiosity to see the document.

I offered to show it to her, and she at once proposed to call on me next day for that purpose.

She turned the pages avidly for an hour or more, and then returned me the book with a faint sigh. While moving about Russia she had seen Razumov, too.

I did not hide from Sofia Antonovna my surprise that she should have visited Mr. Razumov. I did not even understand it. But she informed me that she was not the only one.

"Some of *us* always go to see him when passing through. He is intelligent. He has ideas. . . . He talks well, too."

Presently I heard for the first time of Razumov's public confession in Laspara's house. Sofia Antonovna gave me a detailed relation of what had occurred there; Razumov himself had told her all about it most minutely.

Then looking hard at me with her brilliant black eyes:

"There are moments of evil in every life. A false suggestion enters one's brain, and then fear is born—a fear of oneself, fear of oneself. Or else a false courage—who knows? Well, call it what you like; but tell me how many of us would deliver themselves up deliberately to perdition (as he himself calls it in that book) rather than go on living secretly debased in their own eyes? How many? . . . And please mark this—he was safe when he did it. It was just when he believed himself safe, and more—infinitely more—when the possibility of being loved by that admirable girl first dawned upon him, that she discovered that his bitterest railings, the worst wickedness, the devil-work of his hate and pride, could never cover up the ignominy of the existence before him. There's character in such a discovery."

I accepted her conclusion in silence. Who would care to question the

grounds of forgiveness or compassion? However, it appeared later on that there was some compunction too in the charity extended by the revolutionary world to Razumov, the betrayer. Sofia Antonovna spoke:

"And then, you know, he was the victim of an outrage. It was not authorized. Nothing was decided as to what was to be done to him. The man had confessed. And that Nikita, who burst the drums of his ears purposely, out on the landing, you know, as if carried away by indignation —well, he has turned out to be a scoundrel of the worst kind—a traitor, himself a betrayer, a spy! Razumov told me he charged him with it by a sort of inspiration. . . ."

"I had a glimpse of that brute," I said. "How any of you could have been deceived for half a day passes my comprehension!"

She interrupted me.

"There! There! Don't talk of it. The first time I saw him I too was appalled. They cried me down. We were always telling one another, 'Oh, you mustn't mind his appearance.' And then he killed. There was no doubt of it. He killed—yes! In both camps."

And Sofia Antonovna, after mastering the angry trembling of her lips, told me a very queer tale. It went that Councillor Mikulin, traveling in Germany (shortly after Razumov's disappearance from Geneva), happened to meet Peter Ivanovitch in a railway carriage. Being alone in the compartment, these two talked together half the night, and it was then that Mikulin, the police chief, gave a hint to the arch-revolutionist as to the true character of the arch-slayer of gendarmes. It looks as though Mikulin had wanted to get rid of that particular agent of his own! He might have grown tired of him, or frightened of him. It must be also said that Mikulin had inherited the sinister Nikita from his predecessor in office.

"Tell me, please, Sofia Antonovna, did Madame de S—— leave all her fortune to Peter Ivanovitch?"

"Not a bit of it." The woman revolutionist shrugged her shoulders in disgust. "She never made a will. A lot of nephews and nieces came down from Petersburg like a flock of vultures and tore up all that money among themselves. All beastly kammerherrs and maids of honor—abominable court flunkeys. Hui!"

"One does not hear much of Peter Ivanovitch now," I remarked.

"Peter Ivanovitch," said Sofia Antonovna, gravely, "has united himself to a peasant girl."

"What, on the Riviera?"

"What nonsense! Of course not."

"Is he, then, living actually in Russia? It's a tremendous risk—isn't it?" I cried. "And all for the sake of a peasant girl. Don't you think it's very wrong of him?"

Sofia Antonovna preserved a mysterious silence for a while, then made a statement.

"He just simply adores her."

"Does he? Well, then I hope that she won't hesitate to beat him."

Sofia Antonovna got up and wished me good-by as though she had not heard a word of my impious hope; but in the very doorway, where I attended her, she turned round for an instant and declared in a firm voice:

"Peter Ivanovitch is a wonderful man!"

THE END.

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SHALL WE MAKE OUR CONSTITUTION FLEXIBLE?

BY MUNROE SMITH

In July, 1909, a constitutional amendment, empowering Congress to tax incomes, from whatever source derived, was approved by the Senate unanimously and by the House of Representatives by 317 votes to 14. At the present time, this proposal has been ratified by the legislatures of thirty-one States, containing seventy-three per cent. of the population of the forty-six States. Strong as this support is, it is insufficient, and it is far from certain that the amendment will secure the additional ratifications that are necessary for its adoption.

The power of a small minority of the States to nullify the will of the great majority of the people of the United States has existed so long and is so familiar to us that it is not without an effort that we realize how extraordinary our constitutional situation really is. In what other Federal union would a vote of two-thirds of the constituent States, including nearly three-fourths of the population, be insufficient to change the law? In what other nation, possessing representative institutions, would a measure supported by so large a majority of the people fail of effect? The tax measures which the British House of Lords recently opposed were supported by a far smaller majority of the British people; and not only has the opposition of the House

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of Lords been overridden, but the position of that House as a co-ordinate factor in legislation has been destroyed.

When the framers of our Constitution provided that amendments should require the assent of three-fourths of the States, they were trying to escape from the restraints of a still more rigid constitution, amendable only by the consent of all the States; and in order to accomplish their purpose they were compelled to override the existing law. It could not have been their intention to make the new Constitution unchangeable except by another *coup d'état* or revolution. In fact, under the conditions which existed at that time, the majority which they decided to require was not hard to obtain. In spite of sectional differences of sentiment and opinion, the social, economic, and political conditions of the thirteen original States were sufficiently uniform to make general agreement upon important matters far from difficult. Not only was the Constitution accepted by more than three-fourths of the States within less than a year, but in the following sixteen years twelve important amendments were adopted. During this period, and as late as 1820, a similar facility of agreement was exhibited in presidential elections. Of the first nine elections, two were unanimous, a third was practically unanimous, and two others were carried by a five-sixths majority of States. But after 1820 the conditions changed. In addition to the widening gulf between the free and the slave States, there were increasing divergences of a more permanent character. In New England and in the middle Atlantic States commercial and manufacturing interests were becoming preponderant, while the southern and north central sections remained substantially agricultural. The rapid settlement of the interior of the country produced Americans of a new type, with new social ideals. In the latter part of the nineteenth century there appeared a group of western mining States with specific interests of their own. The political effect of these changes has been marked. In the twenty-two Presidential elections from 1824 to 1908 inclusive, the winning party carried three-fourths of the States but three times: the Democrats in 1852; the Republicans in 1868 and in 1872. In each of these years the political situation was peculiar. Pierce carried twenty-seven out of the thirty-one States, not because the country had become overwhelmingly Democratic, but because the Whig party had gone to pieces.

Grant twice carried more than three-fourths of the States, because the North had been solidified by a victorious war and the southern States were occupied by northern troops. At this period, however, for the first time since 1820, a political party had the power to change the organic law, and in the years 1865–1870 the thirteenth, fourteenth, and fifteenth amendments were ratified—the only amendments that have been made since 1804.

If the income-tax amendment be adopted, it will not indicate that conditions have again changed and that general agreement has again become easily attainable. This amendment comes before the country under very exceptional auspices. Proposed by a Republican President and passed by a Republican Congress, it is supported by Democrats as an essentially Democratic measure. It has the further advantage of presenting itself not as an innovation, but as a restoration. It accords to Congress a power which that body had previously exercised with the approval of the Supreme Court, and of which it was deprived only because the Supreme Court reversed itself. The rejection of this amendment, indeed, would go far to prove that formal change of the Constitution is impossible, but its adoption should not unduly elate those who desire further amendments.

I

Some of the evils which result from the rigidity of our Constitution are too obvious to need argumentative exposition. It is to-day a commonplace that law must change with the changing needs of the society which it serves. As a matter of fact, our organic law has been developed and even changed in many respects in which the Constitution has not been formally amended. The war powers of the President are based upon the unwritten constitution; they exist because they have been repeatedly exercised with the support of Congress and the somewhat reluctant acquiescence of the courts. The Presidential electors have ceased to elect; they have become keys in an adding-machine which records popular majorities in the several States; because the people of the United States, acting through their party organizations, have so decreed. In the same way, the action of State legislatures in voting for Federal Senators has, in many of our States, become a mechanical function, the legislators giving a purely formal sanction to

decisions rendered by the voters in party primaries. The implied powers of Congress are now more numerous than those expressly granted in the written Constitution; they have been developed by their exercise, with the approval of the Federal judiciary in those matters of which the Federal courts have jurisdiction. The power of the Supreme Court to annul acts of Congress which it deems unconstitutional, whether clearly deducible from the text of the Constitution or not—a point on which a difference of opinion is still admissible—actually exists because the court has asserted this power and the executive and legislative branches have submitted to its exercise. In our national governmental system, this process of change by the establishment with general consent of new governmental custom has been necessitated by the practical impossibility of formal constitutional amendment. Development along these lines, however, cannot go beyond a certain point. There has already been at least one crisis in our national life which clearly demanded the amendment of the written Constitution: it should have been possible to put into the Constitution some such check upon the extension of slavery as was contained in the Missouri Compromise. And to-day it is coming to be generally felt that additional powers should be accorded to the national government, and that some of the existing constitutional restraints upon State legislature should be relaxed. There are many pressing problems which, apparently, can be solved only by conferring upon the Federal government powers which can hardly be implied by the boldest interpretation of the written Constitution; and the satisfactory solution of many industrial problems by the several State legislatures is impeded by the very broad protection of private rights which is expressly contained in the Federal Constitution or has been read into it by judicial decisions. When the point is reached at which our Federal Constitution cannot be bent by the economic and other social forces which it now checks, there is danger that it will be broken.

The effort to bend the Constitution to meet new social needs, and the tendency to evade its restrictions when these appear harmful, may be justified on the ground of necessity; but progress along these lines has many undesirable results. Evasion of law does not increase respect for law, and the lack of respect for law is already one of our national vices. Further, the attempt to evade the law and to justify its

evasion is unfavorable to intellectual integrity, to straight thinking and honest speech, on the part of our legislators, and also, in second instance, on the part of our judges. To cite a recent example, there was not a little apprehension in Congress that the bill for establishing postal savings-banks would be found to be unconstitutional; accordingly the investment features of the bill were so remodeled as to make it possible for the Supreme Court to uphold this measure as an exercise of the Federal borrowing power. Senator Bailey hardly went too far in pronouncing this a "palpable subterfuge."

Farther reaching and more serious are the effects of our rigid Constitution on our politics. It is charged by foreign critics, and conceded by many Americans, that our parties have no principles and are simply agencies for filling offices. This state of things is usually and rather cheaply ascribed to the corrupt tendencies of human nature; more particularly to the apathy of the virtuous and the energy of the unscrupulous. If, however, we are willing to look a little more deeply into the situation, it will seem at least possible that our parties have no use for principles because they would not be able to put them into practice. Mr. Roosevelt's New Nationalism would be an excellent party programme if the results that he desires could be attained without amending the Constitution; but in view of the practical impossibility of securing the necessary amendments in the constitutional way, his propaganda began, and has for the present ended, in criticism of the Supreme Court because that tribunal has not developed our constitutional law along new nationalistic lines. Whether Mr. Roosevelt's strictures are justified or not is here beside the question. His attitude is cited to show the difficulty of building up a party pledged to radical reform measures, when it is obviously impossible for a party to redeem such pledges. If a party that can carry a Presidential election by a fair majority of electoral votes could also amend the Constitution, a strong national party might well be formed with a programme more radical than Mr. Roosevelt's—a programme which men of conservative temper would probably term socialistic. Under such conditions, conservatives would no longer be able to rely upon the rigid Constitution and the Supreme Court to protect property interests; they would be forced to organize a party representing their principles. Even a conservative,

if a broad-minded man, might view such a result with satisfaction. National parties would then represent something besides the scramble for office, and their leaders would probably be men of a different type from the majority of our practical politicians.

Perhaps the most regrettable effect of the rigidity of our Federal Constitution is the position in which it places our judges. Partly by the express provisions of the Constitution, partly by what have seemed the necessary implications of that instrument, but largely by virtue of established custom, our courts exercise a control over legislation that has no precedent in legal history and no parallel in any modern State. They are the guardians of our constitutional law, and, so far as their jurisdiction extends, they have the power to deny legal operation to acts passed by representative legislatures if in their opinion such acts are unconstitutional. In so doing they are understood to give effect to the will of the sovereign people as against the unauthorized acts of the people's agents. The courts, however, are also subject, in theory, to the will of the sovereign people; and from their decisions appeal (in a political sense) runs to the people. By amending the Constitution the people may authorize the legislature to pass again, and this time with full legal effect, the law which the courts have vetoed. In all cases in which the judicial veto is based upon the provisions or implications of a State constitution, such an appeal is of practical value, for our State constitutions are easily amended. In cases, however, in which the judicial veto is based upon the provisions or implications of the Federal Constitution, the right of appeal to the sovereign is illusory, because the sovereign can speak with legal effect only through the legislatures of three-fourths of the States. Practically, therefore, the judicial veto of State legislation, as contrary to a State constitution, is a suspensive veto only; but the judicial veto of State or Federal legislation, as contrary to the Federal Constitution, is absolute. As regards State legislation, this absolute veto may be interposed either by a State court or by a Federal court; and under the existing law the veto interposed by a State court is not subject to review in the Supreme Court of the United States.

In the minds of conscientious men, power carries with it a sense of responsibility; and in determining whether national or State legislation is or is not constitutional our

judges have been increasingly influenced, consciously or unconsciously, by their opinion of the wisdom or unwisdom of each measure submitted to them. The accumulating mass of decided cases has come to contain so many judgments or dicta representing different points of view that it is seldom difficult to find equally satisfactory arguments for the allowance or disallowance of any law which is neither clearly constitutional nor clearly unconstitutional.

The control which our courts exercise over State and national legislation has been regarded by most American publicists, and by some foreign authorities, as the most admirable feature of our political system. The American people, so far as its sentiments can be inferred from its acts, has always regarded this control as inconsistent with democratic principles. Feeling that the judges were exercising functions essentially political, the people of the more democratic States have made their judges elective; and now, in some of our States, they are proposing to subject judges to the "recall." Our Federal judges are protected against such attacks; but question is being raised whether their veto power cannot be limited if Congress sees fit to exercise its recognized powers to determine the jurisdiction and to regulate the procedure of the Federal courts.

It seems clear that the criticism of the courts, which is now so rife, and the "attacks upon the judiciary," which are becoming so common, spring from the natural resentment of a supposedly self-governing people against the absolute veto which the courts are interposing with increasing frequency upon State and national legislation. A suspensive veto is the fullest power which our political theory has ever accorded to the judiciary; and this degree of control over legislation would be regarded by all, except the most radical advocates of "people's rule," as a desirable check upon hasty and ill-considered measures. To this degree of control the courts would be limited if the people of the United States could amend the Federal Constitution with anything like the ease with which the people of the several States amend their State constitutions.

II

It is obvious that the only line of escape from the existing situation, except through revolution, lies in the amendment of the amending clause of the Federal Constitution.

As soon as this problem is stated two questions arise: first, what more workable method of amendment seems best adapted to our dual system of government; and, second, what changes in the amending clause would probably stand the best chance of securing the assent of three-fourths of the States?

Our form of government obviously requires that the will of the people of the United States be expressed through their State organizations. The reference of constitutional amendments to the people of the United States, irrespective of their State organizations, would be unthinkable unless the qualifications of the voters were determined by Federal law. Whether such an increase of the power of the Federal government is desirable or undesirable is beside the present question. All that here concerns us is the fact that an amendment to the amending clause, burdened by such a provision, would have no chance of adoption.

A proposal to lower the proportion of State votes necessary for ratification from three-fourths to two-thirds could possibly be carried; but even a superficial study of our political history will show that such a change would be of little practical advantage. In the twenty-two Presidential elections held since 1820 there have been, in addition to the three cases noted above in which three-fourths of the States were carried by the victorious party, only three cases in which two-thirds of the States were carried. This exceptional degree of success was attained by Jackson in 1832, by Harrison in 1840, and by Roosevelt in 1904. The election of 1904 was the only one since 1872 in which the winning party carried even two-thirds of the States; and Roosevelt's majority, like the far greater majority secured by Pierce in 1852, was due less to the strength of his own following than to dissension in the opposing party. Even if it be assumed that in 1904 the same number of States would have ratified an amendment proposed as a Republican party measure, the possibility of achieving such a result once in thirty-two years would hardly meet the exigencies of the situation.

A proposal that constitutional amendments should be ratified by a simple majority of the States would, in view of the great disparity of their populations, be met by the same arguments by which the requirement of a three-fourths majority is usually justified. With the admission of New Mexico and Arizona there will be forty-eight States. If

the twenty-five smaller States—using the term with reference to their populations simply, irrespective of their areas —were able to carry an amendment against the voice of the twenty-three larger States, we should have less than one-fifth of the population of all the States prevailing over the other four-fifths; and, if we further assume that the opinion of the people of these twenty-five States was divided and that the affirmative vote represented in each State a bare majority, we should have the will of the people of the United States determined by votes representing one-tenth of the total population.

Such computations may interest the arithmetical mind, but politically they are meaningless. At no period in the history of the United States have the smaller States been lined up against the larger either in national elections or in the votes on constitutional amendments. If, indeed, it were proposed to diminish seriously the political influence of the smaller States—if, for example, it were proposed that the votes in the Electoral College should be distributed in proportion to population — these States might stand together against the rest of the Union, but not on any other sort of issue. They are an arithmetical, not a geographical nor an economic group. The list includes commonwealths as widely separated as Maine and Washington, Arizona and Florida. It includes ten agricultural States and fifteen States in which manufacturing and commercial interests are preponderant. If all these twenty-five States supported a candidate or a measure, it is inconceivable that any considerable number of the larger States would be found in opposition.

It is politically possible, however, that a narrow majority of larger and smaller States, containing less than half of the population of all the States, might be lined up against a minority of States containing more than half of the total population. In the southern and central sections of the Union agricultural interests predominate more or less strongly; in the northeastern and far western sections manufacturing and commercial interests are preponderant. It is possible, as the writer has found by experiment, to construct along these economic-sectional lines several slightly varying divisions of the States, in each of which twenty-five southern and central States, with from 43 to 49 per cent. of the population of all the States, might prevail over

twenty-three northeastern and far-western States, with from 57 to 51 per cent. of the total population. And, since the manufacturing States are increasing in population more rapidly than the agricultural States, the disparity of population in such alignments would tend to become greater.

If, then, we abandon the principle of demanding more than a simple majority of the States for the ratification of constitutional amendments, we must abandon also in this matter the principle of the complete equivalence of State votes. The votes of the several States must be weighted more or less in accordance with their population. Such a change would be in harmony with democratic principles; and such a departure from the policy of the framers of the Constitution could be defended by arguments based upon the analogy of the Electoral College and upon the greatly increased disparity of State populations. In 1800 the largest of the States, Pennsylvania, had nine times the population of the smallest, Delaware; to-day the ratio between these two States is thirty-eight to one, and that between New York and Nevada is one hundred and eleven to one.

Twenty-one years ago, in his *Political Science and Constitutional Law*, Professor John W. Burgess formulated a plan for the amendment of the amending clause of the Federal Constitution which deserves more consideration than it appears to have received. Briefly stated, his plan is as follows: proposal of amendments by two successive Congresses, Senators and Representatives acting in joint assembly and resolving by simple majority vote; submission of proposals to the legislatures of the several States, these again acting in joint assembly and resolving by simple majority vote; assignment to each State of the same weight in the count of votes as in a Presidential election, and ratification of amendments by a simple majority of the State votes thus weighted. In Professor Burgess's opinion, the purpose of a written constitution is not to enable a minority to thwart persistently and successfully the matured and deliberate will of a clear majority, but to insure the formation, on the part of the majority, of a purpose that is matured and deliberate. Accordingly, while he reduces to a simple majority the proportion of votes necessary for proposal and for ratification, he lengthens the period of proposal; and in requiring the reconsideration of a proposal

by a succeeding Congress, he gives an opportunity to the country to express its opinion in the election of a new House of Representatives.

This plan is not only logically consistent in all its details, but it seems to meet the exigencies of the situation. With the power to propose and the power to ratify constituted on the same basis as the power to elect a President, it is clear that any party able to secure control of the national government could carry any amendment to the Constitution which could survive the test of examination and discussion for two years. It is another question, however, whether this plan, if placed before the country and fully discussed, would be approved in three-fourths of the States. The people of the larger States and all persons who hold opinions at once national and democratic would probably feel that, if the States were to be weighted at all, they should be weighted according to population; while the people of the smaller States and all who hold fast to the equality of the States would surely object to the possibility, however theoretical and remote, that a minority of States should outvote a majority. This second group of States and persons, moreover, would undoubtedly object strongly to the suggestion that amendments be proposed in joint assembly of the two Houses of Congress, on the ground that the equal representation of the States in the Senate is the one complete recognition of the equality of the States. To expose a majority of Senators to the possibility of being outvoted in a joint assembly of the two Houses would be regarded as an inadmissible sacrifice of the Federal principle. It is doubtless for these reasons that Professor Burgess's plan has not elicited greater support; and it is probable that the objections above noted, theoretical as they are, would militate seriously against its adoption.

It is the object of this paper to suggest a scheme of amendment which seems simpler, which retains the existing agencies of proposal and of ratification, which recognizes the Federal principle of the equality of the States as well as the democratic principle of majority rule, and which, therefore, may possibly encounter fewer objections than that proposed by Professor Burgess. The plan is briefly as follows (italics indicating changes): proposal of amendments by the majority vote of both Houses *in two successive Congresses;* submission of such proposals to the legislatures of the sev-

eral States or to conventions in the several States *or directly to the voters in each of the States,* as one or another of these modes of ratification may be proposed by Congress; and ratification of proposals *by a majority of the States, provided that the ratifying States contain, according to the last preceding enumeration, a majority of the total population of all the States.*

The plan here outlined accepts Professor Burgess's suggestion that an amendment proposed by one Congress must be accepted by a second Congress with a newly elected House of Representatives before the proposal may be submitted to the States. In addition to the arguments for such delay cited above, which seem conclusive, it may be noted that this longer period of consideration and discussion will probably produce proposals of superior precision. The language of some of the amendments, especially that of the latest amendments, is less clear than that of the original Constitution. The pending income-tax amendment is so worded that expert opinions differ on the question whether it does or does not empower Congress to tax the incomes derived from State and municipal bonds. Its acceptance in New York was jeoparded by this discovery; its acceptance in other States may be prevented by the existing doubt as to its probable effect. If it had been necessary to hold this proposal over for reconsideration in the Sixty-second Congress, the point raised by the Governor of the State of New York could have been met before the amendment went to the State legislatures.

The addition of the direct vote of the people of each State to the modes of ratification now authorized seems to be warranted by the fact that this method of ratification has long been generally employed for the amendment of our State constitutions. If the Federal Constitution be not modified in this sense, the provision requiring consent by legislatures or conventions will probably be evaded in much the same way in which similar provisions excluding direct popular action in Presidential elections and in the choice of Federal Senators have been evaded.

The most important feature, however, of the plan here suggested is the proposal to lodge the final power of amendment—the truly sovereign power in our system—in a majority of States containing a majority of the total population of all the States.

III

That a political device accords with accepted political theories and seems logical and consistent will not definitively commend it to any politically minded people, least of all to a people of English traditions, until they are reasonably sure how it will work.

The first and most obvious criticism of the plan here proposed is that under it an amendment might be defeated by the united action or inaction of the ten most populous States, which at present contain a majority of the population of the forty-eight States, while under the existing three-fourths rule thirteen non-acceptances are requisite. Accordingly, instead of facilitating amendment, the proposal seems to make it more difficult. Here again we have a theoretical possibility that is practically not a possibility. The ten largest States are New York, Pennsylvania, Illinois, Ohio, Texas, Massachusetts, Missouri, Michigan, Indiana, and Georgia. It is not conceivable that these ten States should be aligned either for or against any measure, with thirty-eight States massed on the opposite side. It is not imaginable that Massachusetts and Pennsylvania should be found acting in harmony with Georgia and Texas, unless nearly all the States in the Union were of the same mind. Nor is this a recent situation. In no Presidential election since the admission of Texas to the Union have these ten States voted for the same candidate. Behind the political antitheses lie differences of social and economic conditions. In three of these States the race problem is serious; the others are little affected by it. Texas and Georgia are agricultural States; Massachusetts, New York, and Pennsylvania are States in which manufacturing interests outweigh agricultural interests; in the other five States the interests of agriculture, on the one hand, and of manufactures and commerce, on the other, are more evenly balanced.

It may be added that a consideration of the rate at which population is increasing in the Far West, as compared with the Northeast, makes two predictions fairly safe: first, that in 1920 no ten States will be found to include a majority of the total State population; and second, that California will be certainly one of the ten, and possibly one of the seven, most populous States—a change which will widen the geographical distribution of this arithmetical group.

Under the plan here proposed, as under that proposed

by Professor Burgess, any political party strong enough to elect a President might endeavor, with reasonable hope of success, to amend the Constitution; for throughout our political history the candidates who have secured a majority of the votes in the Electoral College have regularly carried a majority of the States containing a majority of the population of all the States. In two cases the States were equally divided; in 1848 Taylor and Cass each carried fifteen States, and in 1880 Garfield and Hancock each carried nineteen; but no candidate has ever received a majority of the total electoral vote from a minority of States. And in one case only did the majority of States whose electoral votes were counted for the successful candidate fail to contain a majority of the population: in 1876 the seventeen States which the returning boards and the electoral commission left in the Tilden column contained nearly a million and a half more inhabitants than the twenty-one States allotted to Hayes. Except in these three instances, the rule above stated seems to have held good, even in elections that were fairly close. Lincoln's first election is commonly cited as the classical example of a minority victory; but in 1860 Lincoln carried eighteen States, and these States contained more than sixty per cent. of the total population of the thirty-three States, and, of course, a much larger majority of the free population. From 1884 to 1896 inclusive the division of the States in Presidential elections was very close, and Republican and Democratic victories alternated; but in each instance the successful candidate carried one or two more States than his opponent, and in each instance the States ranged on the winning side included a majority of the population of all the States.

The national majorities or pluralities which political statisticians delight to compute usually follow the same lines. Under our system, such computations have only a theoretic interest; and even from the point of view of political theory it is questionable whether a popular majority in a national election has any significance as an indication of the general will, because of the diverse conditions under which the suffrage is accorded in the different States. And if, on the principle of "counting heads instead of breaking them," majorities or pluralities of votes are fundamentally significant as indications of power—of fighting power, if that should be needed—it is clear that when a country is

divided into antagonistic sections, a party that carries, by narrow majorities or pluralities, a section containing a considerable majority of the total population is really stronger than a party that carries, by overwhelming majorities, a less populous section; for, if it comes to fighting, the former party, although a minority party in the original count of total votes, will command all the resources and exert the whole physical power of the more populous section which it controls, as the Republican party did in the Civil War. Dynamically, Lincoln was not a minority President.

In a country so large as ours has grown to be, both in area and in population, and in which the social conditions and economic interests are so diverse, sectional groupings are bound to appear. It is, perhaps, the greatest defect of the existing method of amendment that it enables a single section, if it contains one more than one-fourth of the States, to arrest the development of a national policy. How will the plan of constitutional amendment here proposed work as regards the balance of power between the chief sections of the United States? And how will it work as regards the balance of power between the diverse economic interests which chiefly create significant sectional groupings?

The first of these questions may be answered very briefly. No group of States that can be regarded as a political section includes a majority of the States or contains a majority of the population of the States. The northeastern group, which consists of New England, the middle Atlantic, and the east north central States, contained as recently as 1880 a majority (52 per cent.) of the population of all the States, which then numbered thirty-eight. Of the total population of the forty-eight States this northeastern group has now, however, but 48 per cent. Accordingly, under the plan proposed, no section could impose its distinctive policies on the other sections, nor could any section arrest the development of a national policy.

That divergent economic interests may produce alignments of States quite different from any that have heretofore appeared in our politics is in a measure indicated by the attitude which the States have thus far taken on the pending income-tax amendment. Since this amendment is presented under non-partisan auspices, it has not divided the States on party lines, although it has received stronger support in the Democratic States. If, however, we analyze the

vote by sections, the results are more interesting. In New England it has been ratified by one State only, Maine; in the middle Atlantic States by one only, New York; and in the entire Northeast (including Delaware) the vote is 7 for and 8 thus far against. The South is not yet solid on this proposal, but with Oklahoma it stands already 11 to 4 for ratification. In the sixteen Western States (New Mexico and Arizona not having yet qualified) the record stands 13 for the amendment and 3 thus far opposed. This different attitude of the different sections is closely connected with their respective economic interests. The distinctively agricultural States and those States in which agricultural interests are practically equal to manufacturing and commercial interests stand for the amendment 19 to 5; and if from this group we isolate those States in which more than 60 per cent. of the adult males are engaged in agricultural pursuits, we find that all these States, ten in number, have ratified the amendment. On the other hand, the States in which manufacturing and commercial interests preponderate have voted 12 in favor, 10 thus far against; and if from this group we isolate the States in which the manufacturing interests alone outweigh the agricultural interests, the record is only 4 in favor with 7 thus far against. And if we isolate the States in which manufactures and mechanical pursuits employ more than 60 per cent. of the adult males, we find that but 1 of these States, New York, has ratified the amendment, while 5 have not. The vote on this amendment thus shows a striking tendency toward a division of the States on economic lines, with the agricultural States on one side and the manufacturing and commercial States on the other.

How would the proposed plan of ratifying constitutional amendments affect the balance of power between these interests? Of the forty-eight States twenty-three may be classed, according to the Census statistics of occupations, as manufacturing and commercial States. The twelve States in which manufacturing interests are preponderant contain more than 30 per cent., and the eleven States in which the combined interests of manufactures and commerce outweigh those of agriculture contain nearly 21 per cent. of the population of all the States. The manufacturing and commercial States accordingly form a minority of the States, but they contain a majority of the total popula-

tion. On the other hand, the twenty-five remaining States, which may be classed as agricultural States, contain only 49 per cent. of the total State population. Under the proposed plan, accordingly, neither group could carry a constitutional amendment against the solid opposition of the other group. If the margin of two per cent. of the total State population seems a narrow one for the protection of the manufacturing and commercial interests, it must be remembered that, in the nature of things, this margin will increase, because the population of the manufacturing States is increasing more rapidly than that of the agricultural States. On the other hand, now that the whole continental territory of the United States, except Alaska, is occupied by organized States, the margin of State votes which protects the agricultural interests is practically unchangeable, except by a change in the industrial character of the agricultural States themselves. If, however, the United States should eventually become essentially a manufacturing and commercial country, it would be in accordance with sound political theory that the manufacturing and commercial interests should be able to shape the law by the open process of peaceful change; for otherwise they would assuredly either assert themselves by corruption or change the law by revolution or *coup d'état*.

Is it futile to hope and visionary to believe that such a reform as is here outlined can be accomplished? Considering the tenacity of conservative sentiment and the strength of the conservative interests that will probably be aligned against such a change, prophecy would be hazardous. Sooner or later, however, it will be generally realized that the first article in any sincerely intended progressive programme must be the amendment of the amending clause of the Federal Constitution; and if this change should be resisted only by those who believe that the Constitution framed for the Atlantic seaboard in 1787, and last amended in 1870, meets fully and at all points the needs of the nation to-day, and that it can be adapted, without formal change, to meet the needs of the generations of Americans yet to be born, such an amendment would be ratified, not by thirty-six States only, but by the unanimous voice of all the States.

MUNROE SMITH.

THE DEFICIENCIES OF LAW AS AN INSTRUMENT OF INTERNATIONAL ADJUSTMENTS

BY REAR-ADMIRAL A. T. MAHAN, U.S.N.

In previous articles in The North American Review,* I have endeavored to sustain the thesis that Arbitration, which from its nature and the very etymology of the word presupposes necessarily a tribunal and a code, is not adequate to all the work of Diplomacy, for the final conclusions of which it is proposed as a substitute. I decline entirely to admit that the opposition is between Armaments and Arbitration. This is the form of the contention—"Law in place of War"—which is attempted to be imposed by those who favor Arbitration, not only general but unlimited, on the ground that, as they conceive, all disputes between nations can be brought under the category of legal, by being ranged and classified under a system of laws. My insistence is that this is not possible, because under any classification there cannot but remain always cases in which the right is one of morals and expediency—in other words of policy—not susceptible of legal definitions, because the preciseness of these deprive them of the elasticity necessary to successful international adjustments.

As a concrete case, an illustration, is always more easily understood than a general principle, let us take at once the Monroe Doctrine; and in doing so the remark is immediately pertinent that a Monroe Doctrine is by no means the peculiar possession of the United States. During the recent dispute between France and Germany concerning Morocco, a rumor has gained currency that France was contemplating the cession to Ger-

* May, July, September, 1911.

many of the Pacific island Tahiti, in part compensation for the relinquishment by Germany of claims to interfere with French action in Morocco. The rumor was probably without foundation, but it aroused immediate jealousy in New Zealand on the ground of local interests. In the New Zealand Parliament, a question on the subject was asked by the leader of the Opposition. A New Zealand paper said:

"The proposal shifts the storm center to our very doors. The planting of another strong German colony in the Pacific, with the added advantage of a suitable naval rendezvous, is fraught with grave issues for New Zealand, for Australia, and even for South America and the United States."

Another journal, not of New Zealand, but of Australia, referring to the rumor,

"condemns British apathy in the Pacific in the past, and urges that the Commissioner for Australia, resident in London, be instructed to protest to the Imperial Government against such a cession."

I guard myself from implying any share in the apprehension concerning the effect upon the United States of a transfer of Tahiti to Germany. When the Caroline and Ladrone Islands were about to be ceded to Germany by Spain, after our war with Spain, in 1898, I received more than one letter urging me to use any influence I could exert to induce our Government to resist the step. My reply was that, besides having no influence, I saw no sufficient reason for our opposition. But, waiving this personal explanation, in what matter of principle does the objection of New Zealand and of Australia differ from the assured objection of the United States to the acquisition by Germany from Denmark of an island in the West Indies? The reason is the same; namely, the wish to avoid "a storm center at our very doors." But upon what basis of legal right can this be founded? Upon none. How shall a law be imposed making such a sale not legal? The London *Times*, commenting on the New Zealand proposition, says: "Insufficient regard seems to have been paid to the fact that French property, whether in the Pacific Islands or elsewhere, is at the sole disposal of France." That is, as regards legal right, Great Britain has no ground for interference. This is substantially what I said in my article of July. Translated into terms of our Monroe Doctrine, the *Times* comment would read, "Insufficient regard seems to be paid to the fact that Danish property, whether in

the West India Islands or elsewhere, is at the sole disposal of Denmark." There is no legal ground for objection, and a tribunal could decide only that the transfer would be lawful and valid.

The British Prime Minister, however, had indicated already in the British Parliament the qualification which policy imposes upon assent to a legal transaction. Any bargain between France and Germany was beyond the scope of British interference, whether by word or deed, unless it should lead to arrangements prejudicial to British interests. In such event, he said, intervention might become "our duty in defense of British interests, directly affected by further developments." In other words, the legal right of one country, or of two countries, may so far contravene the natural —that is, the moral—right, the essential interests, the imperative policy, of a third, that resistance would be necessary and therefore justifiable. Diplomacy then enters, and Armament is simply an incident of Diplomacy; just as, in an arrangement between two contestants in private life the fighting power of each, the relative positions of advantage as concerning the matter in dispute, affects the process of the discussion and the ultimate arrangement.

Another curious illustration has been voiced in Austria, concerning the Mediterranean, by an extremist; who, however, has been elected recently President of the Austrian Chamber, as representative of the strongest Parliamentary group, and who consequently is a man with a following.

"We Austrian Germans wish to bring about harmony between the Mediterranean Powers. I am coining, perhaps for the first time, an idea. . . . That idea is, the Mediterranean for the Mediterranean Powers. This is directed especially against a Power which has its hands in all the affairs of the world and wants to drive back Germanic Germany." *

This is merely individual, without backing in official expression; but taken in connection with the very large proposed increase in the Austrian navy, officially adopted, and officially designated for Mediterranean service only, the utterance is not without significance; just as Jefferson's early utterance, in some sense comical, seeing his unwillingness to develop force—to back diplomacy with armament—"We begin to broach the idea that all within the Gulf Stream is neutral (*i. e.*, American) waters" was a kind of precursor of the Monroe Doctrine—America for the Americans.

* *The Mail*, August 4, 1911. Page 3.

The point I wish to make, however, is that the Monroe Doctrine is a moral question, based upon considerations substantially just, one of natural right, of policy, not of legal right; that a legal standing for it cannot be established by a general code of law, though it may by specific treaty agreements; and that in these respects it does not stand alone, but is reproduced where similar conditions obtain, though not necessarily with equal imperativeness. It is the reflex, as against distant outsiders, of the instinctive impulse toward self-preservation, and as such represents natural right—which is moral right—as opposed to legal. In international affairs this is home rule *versus* centralization, the latter of which is the goal of unlimited Arbitration.

If we are to think accurately concerning the sphere of Arbitration, as propounded by its extreme and most logical advocates, we must recognize that the object of their attack necessarily is not Armament, but Diplomacy. The attempt is to carry all cases into court instead of arranging them outside by compromise or adjustment. It is true that as the case stands the proposition is diplomacy first, arbitration only in case of diplomacy failing; but diplomacy will fail more readily when one of the parties think that it will gain substantially by insisting on arbitration — going into court. Between individuals compromises or adjustments proceed, necessarily, partly on grounds of right, partly on grounds of expediency, which recognizes the presence of power—otherwise of force. Each party possesses certain elements of claim, either rightful or plausible; can give a certain amount of trouble; or exercise a certain pressure; or propose a certain equivalent. It is a case of attack and defense quite as really as a military operation, from which it differs exactly as diplomacy, when successful in its normal processes, differs from war. That is, the force is there, is recognized, and is operative. If collision—lawsuit—can be avoided, so much the better; but the force has counted all the same.

I refrain, of course, from quoting again the instances cited in previous articles in which Diplomacy within recent years has effected adjustments, without war, through silent force; which force has been simply the expression of national power and advantage, used in the instances cited, of Austria and Bulgaria, for ends morally right, but not sustainable in law. National power is surely a legitimate factor in inter-

national settlements; for it is the outcome of national efficiency, and efficiency is entitled to assert its fair position and chance of exercise in world matters, not restricted unduly by mere legal tenures dependent for their existing legality upon a prior occupancy, which occupancy often represents an efficiency once existent but long since passed away. The colonial empire of Spain, unimpaired a bare century ago, now wholly disappeared, is a familiar instance. The Empire of the Turks is another. The present intervention of Italy in Tripoli is but a further step in a process of which Bosnia, Herzegovina, Bulgaria are merely the most recent examples. The supplanting of preceding dynasties in India by Great Britain, and her supervision over administration in Egypt, are again illustrations. By what system of law is provision to be made for solving such questions?

Can that which has just been said be condemned fairly as simply a less bald way of affirming that might makes right? No; although certainly it does affirm that the existence of might is no mere casual attribute, but the indication of qualities which should, as they assuredly will, make their way to the front and to the top in the relations of States. Once Prussia counted for less than Holland in international balances. Such qualities, capabilities, not only confer rights, but entail duties, none the less real because not reducible to legal definition; such as the interference of the United States and of Great Britain in 1823 on behalf of South American independence, and of the United States alone, backed by the silent arms of Great Britain, in Cuba in 1898. It is only when opposition between national forces ceases, because one or more nations become exhausted, or are recreant to duty, that the might of some one, becoming unconditioned, incurs the risk, and the imminent probability, of excess and decay, like all absolute power. Rome and Carthage, Louis XIV., Napoleon, are familiar instances. Great Britain after Trafalgar illustrated the same on the seas; but she was saved by the opposing forces of the Continent. The Monroe Doctrine itself is such an instance of national force opposing the intrusion of other force in settlements such as have been cited. It is local power asserting that it will withstand the beginnings; will not permit distant power, perhaps mightier than itself, to be established at its very doors in a position involving national danger. This also illustrates the safeguard against the consequences which

might be inferred from the proposition that national power, being essentially national efficiency, is entitled to claim its sphere of extension and of opportunity. The co-ordination and balance of international factors, like the balances of powers in a constitution, secure a firmer basis of general welfare than mere legal adjudication, which can be only partially applicable to the community of nations.

It is perhaps a sense of this bearing of the Monroe Doctrine that, in the public discussions of the pending treaties of general arbitration with Great Britain and France, has caused the doctrine to be characterized as a matter of "domestic policy." I presume the expression must have proceeded from some fairly representative American quarter, as I find it in the Washington correspondence of the London *Times*,* the excellence of whose foreign correspondence is known. The correspondent scarcely evolved it from his own inner consciousness. To describe the action of the United States, in forbidding one European State to purchase from another European State a piece of its American property—say a West India naval station—as a measure of "domestic" policy has a slightly humorous aspect; and indeed is so characterized by another English paper. Yet in a sense the definition is accurate, because such transfer does affect vital interests as by us conceived, and these certainly may be described as a matter of domestic policy. Although a case under the Monroe Doctrine is susceptible of legal adjudication by what may be styled the common law of international usage, in no American quarter is there any proposition to submit it to arbitral decision, or even to throw it open to discussion as to its legality; for, as affirmed in its earliest formulation, it is essential to a sound American policy by a necessity which neither knows nor admits external law.

Curiously and interestingly, simultaneous with the framing of the recent treaties of general arbitration, in the brief interval between their final conclusion and the signature in Washington, the British Government, dealing with the current dispute between France and Germany about Morocco, found itself compelled to a most deliberate and formal pronouncement of its purpose, in all events, to protect "vital interests and national honor," by force if necessary, although the case might present no legal ground for such contingent action.

* August 4, 1911.

The representative of the Government selected to make this important announcement was the Chancellor of the Exchequer, Mr. Lloyd-George, who cannot be suspected of militarism or of extravagant imperialism. Although a principal member of the same Cabinet, the difference of view in such matters between himself and the Premier, Mr. Asquith, and the Foreign Secretary, Sir Edward Grey, is sufficiently known. It is difficult to believe that there was not deliberate purpose in choosing for the mouthpiece of the Government a person so identified with opposition to war, and with expenditures upon social reform which war would postpone indefinitely. The significance of the occasion was enhanced by the ready extempore speaker reading the carefully worded sentences of his speech.

After expressing, incidentally, his satisfaction at the prospect of a happy issue to the negotiations for a Treaty of General Arbitration with the United States, Mr. Lloyd-George continued:

"But I am also bound to say this—that I believe it is essential in the highest interests, not merely of this country, but of the world, that Britain should at all hazards maintain her place *and her prestige* amongst the Great Powers of the World. Her potent influence has many a time been in the past, and may yet be in the future, invaluable to the cause of human liberty. It has more than once in the past redeemed Continental nations, who are sometimes too apt to forget that service, from overwhelming disaster and even from national extinction. I would make great sacrifices to preserve peace. I conceive that nothing would justify a disturbance of international good-will except questions of the gravest national moment. But if a situation should be forced upon us in which peace could only be preserved by the *surrender of* the great and beneficent *position* Britain has won by centuries of heroism and achievement, by allowing Britain to be treated where her *interests are vitally affected* as if she were of no account in the Cabinet of nations, then I say emphatically that peace at that price would be a humiliation intolerable for a great country like ours to endure. *National honor* is no party question." *

The phrases "vital interests" and "national honor," carefully excluded from the recent treaties of general arbitration—the exclusion of which was indeed a chief object of the treaties—appear here again in terms and in full force; not by mere implication, but in distinct assertion relatively to a pending political situation unsettled at the moment of speaking. Nor this alone. Equal stress is laid upon the right of the nation to play its part in the world, to assert it-

* *The Mail*, July 24, 1911. My italics.

self as a factor in international relations; to sustain by force, by national efficiency, its position—" prestige "—and its influence among States; to assert the qualities which entitle it to a place in the front; all which are attributes distinct from, and in excess of, such simply inherent rights as vital interests and national honor. No inefficient State could take the same position. The incident is the more significant in that, so far as the public knows, the initiation of the treaties with the United States was due to a member of the same Government, Sir Edward Grey, speaking upon the naval ship-building competition between Great Britain and Germany in March last; taking up then and indorsing President Taft's suggestion in December that *all* questions, including vital interests and national honor, should be submitted to judicial arbitration, where such was applicable. Sir Edward Grey's utterance then, being in Parliament, was of course the utterance of the Cabinet. That of Mr. Lloyd-George, though not in Parliament, was made under conditions equally responsible.

In view of the various interests cited, here and before, it would seem that while vital interests and national honor may be submitted at times to judicial arbitration, the field for such submission is greatly limited by specific conditions, not amenable to classification; the more so, because there are questions, probably many, which, while susceptible of judicial decision because applicable law exists, nevertheless contain chances so contrary to the public interest, to domestic policy, to natural right, one's own or another's—as Cuba in 1898—that reservation of them must be made. Such cases are more easily adjusted by the flexibility of diplomacy than by the rigidity of law.

The solid basis upon which general arbitration may produce beneficial results was well expressed in another speech of Sir Edward Grey's.* In this, without formal definition, he indicates the limits which Great Britain feels that expediency places upon treaties having this object in view.

"Anything like war between the United States and the British Empire would be so violently opposed to the deepest sentiments and feelings of the people in both countries as to be unthinkable. This made the ground between the two nations especially favorable for an arbitration treaty of an extended kind. If they wished to build a house which was to be secure, he imagined that they would choose to build it on a

* *The Mail,* May 24, 1911. My italics.

site which was not liable to earthquakes. There were political as well as territorial earthquakes, but the *respective national policies* of the two countries made it *certain* that they were not liable to political earthquakes; *that there was no conflict of national policy.* In the United States they had no intention of disturbing existing British possessions. They had a policy associated with the name of Monroe, the cardinal point of which was that no European or non-American nation should acquire fresh territory on the continent * of America. If it be, as I think it must be, *a postulate of any successful arbitration treaty* of an extended kind that there should be no conflict or possibility of conflict between the national policies of the nations which are parties to it, this condition is assured between us."

In like spirit the London *Spectator*† comments:

"The United States is the one country in the world our differences with which we can commit to arbitration without any reserve or misgiving, because she is the only country besides our own which is content with the *status quo.*"

Most Americans will gladly accept this hopeful prognostic concerning the future relations of the two nations; yet Sir Edward Grey's speech by its reservations sufficiently shows that in his judgment the General Arbitration Treaty between Great Britain and the United States cannot safely be accepted in Great Britain as a type for all occasions and all nations. As to Great Britain herself, it may be well to remember a recent very distinct divergence of political view, in which the Senate of the United States prevented the nation from committing itself to a treaty which might have proved extremely awkward at the present moment.

In 1900, the Executive of the day concluded the Hay-Pauncefote Treaty, by which the long-standing Clayton-Bulwer Treaty was abrogated and the particular interest of the United States in the Panama Isthmus and Canal recognized. The treaty provided that no fortifications should be erected commanding the Canal or the waters adjacent. On account of this stipulation the Senate rejected the treaty, which then was recast, and Great Britain, while not conceding explicitly the right to fortify, assented by silence, the question of fortification not being mentioned. This is the treaty which now fixes the relations of the two countries with reference to the Panama Canal.

The Executive of ten years ago was willing then to aban-

* It is perhaps well to interpose that the American objection goes beyond the continent, and includes islands geographically American.

† August 19, 1911.

don a claim upon which the Executive of to-day strongly desires to act, and is acting, with the support of Congress. The Senate of 1900 saved the situation for 1911. Although the site of the proposed fortifications has now become United States territory, which in 1900 it was not, the first treaty, if ratified, would have afforded at least a basis for opposition by Great Britain to the legality of fortification; and there is also no certainty that her silence on the matter even under the second treaty proves consent, as a legal proposition, then or now. Even under all existing conditions the right to fortify has been disputed by eminent authority in the United States. If a treaty of general arbitration had been in force when the decision to fortify was reached, what—under the first treaty at least—would there have been to prevent Great Britain demanding arbitration, and insisting that in its judgment the question was open to legal adjudication because of the treaty; although since its ratification the Canal Zone, the site of the fortifications, had become United States territory? Only the postulate stated by Sir Edward Grey—the absence "of conflict between the national policies." Subsequent cession does not relieve territory from previous liens upon it of a third party; just as the sale of a house does not invalidate a pre-existing mortgage.

Historical illustration, which is simply the citation of cases and precedents, amply shows the insufficiency of law as an instrument in composing differences. By insufficient I do not mean that it is not sufficient in many instances, possibly in most; but that the exceptions are so numerous that legal classification cannot fully embrace them, and therefore another instrument than law, than arbitration, is in such cases required. In the matter of instruction, no theoretic discussion, however ample and lucid, affords a substitute for historical illustration.

Several such illustrations of very recent date have been adduced in this and previous articles. One much more ancient, yet entirely analogous, and demonstrative that the instrument used must be adapted to the end in view, is afforded by the history of liberty in England. The early Stuart kings, notably Charles I., with great care based their oppressive actions upon law; upon law obsolete in the sense that the progress of the nation had rendered inapplicable methods which in previous years had been applicable, but

still law existing unrepealed. International Law, as law, has similarly to treat as legal a claim which may have issued in intolerable conditions. Claims of such character could have been alleged for the forcible retention of the American colonies by Great Britain, and of the Spanish colonies by Spain, up to and including the deliverance of Cuba; and such law must govern any tribunal. The judge decides what the law is, not what it should be.

Concerning the Stuart oppression, the latest and most distinguished historian of the period, Dr. Rawson Gardiner, after remarking that "it was impossible to allow any mere interpretation of the law to decide the question at issue" between King and Parliament, used an illustration which in the light of this year's events is singularly striking.

> "Suppose it should happen that the House of Lords placed itself in deliberate opposition to the House of Commons, even after a general election had shown that the House of Commons was in accord with the feelings of the constituencies. Suppose that the House of Lords rejected every bill sent up to it by the Commons. What would be the use of applying to the judges as arbitrators? They could but decide that the Lords were legally in the right. They could not decide whether they were politically in the right."

The imagined case has occurred, not in all particulars, but in substance. The inadequacy of the law has been recognized; and the British Government of the day has obtained by political action, of the nature of threatened violence, that to which law, as an instrument, proved inadequate. A political instrument was employed when the legal instrument—recourse to a court—could not but fail. In the case of the Stuarts the political instrument used was armed resistance.

In the intercourse of nations diplomacy is the analogue of the discussions out of Parliament which preceded the recent use of force by one party to this dispute. In the one kind of contention as in the other, recognized force lay in the background. It is in neither a principal; in both it is an agent. The positiveness inherent in the very idea of law, its lack of elasticity, renders it too frequently inadequate to the settlement of certain classes of disputes, because in the cases an accepted law exists, decision in accordance with which would simply perpetuate injustice or sustain intolerable conditions.

A. T. Mahan.

AMERICAN AND CANADIAN POLITICAL METHODS

BY HENRY JONES FORD

THE fact that to some extent American settlement of the Canadian Northwest is a refluence of Canadian people facilitates the entry into Canadian politics of some who have had experience in American politics. John Thompson was a child when his father emigrated from Ontario into the United States, and as he grew up he took a hand in the political game and saw how it was played at the county-seat and at the State capital. The family made a good turn by selling their land in the United States and taking up land in the Canadian Northwest. After the family had taken root in the new field, John Thompson got into politics again, and eventually became a candidate for election to the provincial parliament. In the United States this would involve manœuvering for the support of the party organization to get a place on the regular ticket. Candidates are in the field for the offices of sheriff, clerk of court, registrar of wills, district attorney, treasurer, comptroller, coroner, various judgeships, etc., and legislative candidacy must fit in with all this other candidacy. In addition, there are various party officials to be dealt with—the county chairman, the district committeeman, the State chairman, the ward leader, and others. Then primary elections are held, delegates are elected, conventions meet, and there is a furious struggle over the lucrative offices, those less valuable figuring as make-weights in the combinations of influence formed to control convention results. Thus in the end the legislative nomination may be an award in the interest of somebody's candidacy for sheriff or judge.

Nothing of the kind confronts a Canadian candidate. There is no clerk, sheriff, attorney, or judge to be elected.

Elections are confined to choice of representatives and all administrative officials—executive or judicial—are appointed. Each constituency is a political unit. There is no county chairman or State chairman to be dealt with, no delegates to be elected, no conventions to be held. There are no primary election laws. All that a candidate need do is to file his nomination with a few indorsers and with the deposit of a sum of money calculated to be sufficient to cover the cost of printing and distributing the ballots. But while the legal requirements are easy to satisfy, there are moral requirements that are exacting. Inasmuch as there is no established party machine to run politics, a candidate is the more dependent on volunteer support. The organization on which he must rely is a committee formed in aid of his candidacy, gathering contributions and sending out speakers and canvassers. So unless a candidacy appeals to public support, it is ridiculous and futile.

In Canada there is a prejudice in favor of a sitting member so long as he is willing to stand for election. This is not so strong as in England, and moreover members are not so keen about retaining their seats as in England, for attendance in a provincial capital is very different from living in London. So enough members drop out from one cause or another after a five-year term to change about two-thirds of the membership of the legislative assembly. A candidate may offer himself in any constituency, and it has happened that a leading politician has been elected in more than one place, whereupon he makes his choice as to which constituency he will represent. But while every constituency has free range of choice in choosing a representative, that makes it only the more difficult for a candidate to impose himself upon a constituency. It is easy to enter the race, but impossible to make a respectable showing without a genuine call to public service. In the United States, if by hook or crook one can get on the party ticket and thus be hidden away in a big bunch of names, the party vote may carry anybody through. But there are no party designations on Canadian ballots. Since the only persons voted for in any district are those offering themselves as representatives of that particular constituency, the ballots contain only a few names, but they must needs be those of men whose personal reputation is such as to assure voters both of their party connection and of their individual ability. If

only one nomination is made, no election is held, the candidate being returned as unopposed; and this often happens, saving the constituency the cost and disturbance of a campaign.

In ordinary circumstances John Thompson would have had to show himself to be a useful and public-spirited member of the community, by years of activity before he could expect preferment; but the death of a sitting member made a vacancy for a new man, and the constituency was so strongly American that John Thompson's candidacy was thought to be fitting. The government party pitched upon him as a desirable representative of their interests, and he received such assurances of support as to warrant the filing of his nomination papers.

Throughout the process of election the candidate was impressed by the great difference in conditions between the United States and Canada. But he found a still greater difference when summoned to the provincial capital to attend a session of the legislative assembly. There is no regular time fixed by law, save that the assembly must be convoked once a year, and not over twelve months must intervene between sessions. So every year the Government calls the legislature together, fixing such time of meeting as may be deemed convenient; but it is the practice to issue a summons promptly after a general election. John Thompson had a lively recollection of the hurly-burly that attends the gathering of an American legislature. Party chairmen, local bosses, lobbyists, and applicants for office from all parts of the State are present. Conferences are going on as to who shall be Speaker, and how the important committees shall be distributed. The newspaper correspondents send off columns of matter on the phases of the struggle, and as to the relative chances of this boss or that in getting hold of the corporations committee or other valuable segment of the legislature. County and city delegations are meeting to discuss apportionment of legislative patronage among the members. The struggle culminates in the party caucuses in which each party names candidates for the leading offices in the organization of the legislature. Then comes the struggle over the distribution of legislative jobs, in which members are pestered by contending claims for such posts as page, messenger, clerk, secretary, janitor, doorkeeper, and even scrubwoman.

There were no such scenes when John Thompson obeyed the summons to the provincial capital. The Speaker sits simply as a moderator, and there was no wrangling over his election. The legislative assembly has few committees, and forms them by the action of a committee on selection made up from among the older members. Nobody applied to the member for a job; he had none to give. Appointments in the service of the legislature are made by the Government without confirmation or ratification by any other authority, just as in all other branches of the Canadian public service. In practice clerical assistance to the legislature is made largely by details from the regular civil service. It is against the rules for any member of the legislative assembly to propose any expenditure whatever unless first recommended by the administration. So what money the legislature grants for the public service in any field creates patronage in which it does not share. Hence its natural tendency is to keep down the appropriations just as it is the natural tendency of an American legislature to expand them. In 1908 such contrasts as these appeared north and south of the line, in amounts paid to legislative employees: Manitoba, $6,623.85 as against $69,477 in Minnesota and $31,861 in North Dakota; British Columbia, $2,590 as against $30,756 in the State of Washington.

Thus the way in which public authority is organized relieves the member from the service as office broker that presses upon the American legislator. Canadian legislators have time to think about general interests. So far as talk ran upon politics at all, it related to the measures which the Government would lay before the House, for it is a settled principle that it is the business of the administration to anticipate and provide for all public needs. As a matter of fact the eve of the session is devoted more to social amenities than political discussion, as the basis for the latter is not laid until the Government programme for the session is announced. Instead of meeting in a hurly-burly, the legislature began work in a serene and leisurely fashion, and the new member found that he did not have much to occupy his time save to become acquainted with his colleagues.

In an American legislature, as soon as the organization is completed there is a flood of bills on every conceivable subject. Legislators are expected to act as bill promoters;

their services are claimed by all sorts of interests, and they are continually importuned for support of this measure and that. John Thompson found that in this respect, too, Canadian methods protect him. As a result of the constitutional provision that no appropriation can be made unless requested by the administration, it would be useless to ask a member to introduce any bill creating an office, board, commission, or institution maintained at public expense. This shuts out a great volume of bills that descend upon an American legislature. Members are also protected by the fact that a private bill of whatever nature must be advertised in advance of the meeting of the legislature, and filed with the Clerk of the House together with the deposit of a fee for considering the bill. The rules of order of the Manitoba assembly require a fee of $100 for a bill not exceeding ten pages, with $10 additional for each page over that number. This is a regular source of revenue in all English commonwealths, and is duly accounted for as such. The receipts from this source in Ontario in 1908 amounted to $9,833.50; in Manitoba in 1907, to $2,800; in British Columbia in 1909, $12,120. The term "private bill" practically covers every species of incorporation or grant of franchise. The form in which such bills must be put is prescribed. For instance, the rules of order of the legislative assembly of Manitoba contain what is designated as a "model bill for the incorporation of a railroad company," and applicants have only to fill in the blanks left for inserting particulars as to location of road, gauge of track, capital stock, the extent to which bonds or other securities may be issued per mile of road constructed.

Thus the member was exempt from any sort of pressure or servitude in the matter of offices, appropriations, or franchises. He was entirely free to introduce any public bill he saw fit, provided it did not propose a tax or an appropriation. An American legislator would introduce his bill and seek to have it referred to a favorable committee. In Canada a member must hand to the Clerk a written notice of his bill, which notice appears in the record of the proceedings. Two days later it is in order to ask leave by written motion to introduce the bill, and such leave is usually granted, although it may be refused by the House. If leave is granted, the Clerk turns the bill over to the Law Clerk for revision before it is sent to the printer. When

the bill comes up for a second reading, which in an American legislature is the stage of amendment, it is Canadian practice to refer the bill to a special or standing committee. Public bills introduced by the Government, on reaching their second reading, are usually put at once on the calendar for consideration by the House sitting as a Committee of the Whole. Thus conditions are such that there is not much inducement for members to propose bills in competition with the administration initiative, and in practice a Canadian legislature will have to consider less than 150 bills in the course of a session, while the bills introduced in an American legislature range from 1,200 to 4,000 in the different States. The conditions which permit congestion of the legislative calendars are peculiar to the United States. Swiss legislatures consider few bills, and no proposal is entertained until it has been referred to the administration for examination and report. The British Parliament, legislating for an empire, receives less than one-third the number of bills a session that come before the smallest American State legislature, and only about one-eighth the number introduced at a session of the New York or of the Pennsylvania Legislature.

Thus the member found himself very much in the position of a director sitting to consider business submitted by the management of the concern, whose chief officers are present to answer questions and make explanations. As members do not themselves have any access to the public treasury, their natural inclination is to watch sharply those who do have such access. The effect is very marked in the public accounts. The administration saves itself trouble by making them exact, full, and specific. The "Public Accounts" of the province of Manitoba start off with a complete balance-sheet; then follows a condensed statement of receipts and expenditures; then comes an itemized statement of receipts and expenditures for every department of the government—executive, legislative, judicial. Under the Attorney-General's department are set down all that was paid on account of court sessions, prosecutions, witness fees, pay of detectives and constables, maintenance of jails, prisons, and reformatories. Under the head of Education one will find the name of every person employed and the amount paid, with schedules of all purchases of supplies, all outlay upon building or repairs, with the amount of each

bill and to whom paid. The Manitoba "Public Accounts" for 1909 make an indexed pamphlet of 134 pages, but it covers all the operations of government and includes information impossible to obtain in any American State, although stacks of reports are piled on the desk of an American legislator and comparatively few printed reports reach the Canadian legislator. The difference is so marked, and of such constitutional importance, that it is worth while to go into some details.

In American States public authority is dispersed among numerous departments, boards, and commissions, each managing in its own way some piece of public business. These separate and distinct bodies apply to the legislature for such grants of money and authority as they desire, and at every session reports of their operations and statements of their needs come in by scores. They are too numerous to be even read, much less considered, and the legislature is not in a position to exercise real control even in the matter of expenditure. As a rule, American public bodies practise only fidelity accounting. So much money has been received and so much money has been expended, each board or commission stating only its own accounts. Totals of receipts and expenditures appear in the reports of the treasurer and of the comptroller, but these reports are based upon collections, appropriations, and disbursements. The treasurer's responsibility is satisfied if he can show provision of law for the issue of his warrants. General balance-sheets and ledger accounts classified by subjects, as in the bookkeeping of a business house, are not presented by American public documents. Thus, with masses of reports and numerous accounts before them, an American legislative assembly really knows little about the details of government, and moves in a fog of uncertainty and suspicion.

The functions of a Canadian province are more extensive than those of an American State. The Government of Manitoba builds and operates telegraphs and telephones, and owns and operates court-houses, prisons, hospitals, and asylums such as in an American State are left to the control of local authorities. The transactions of municipal government are regularly supervised, and some State aid is given to municipalities. Nevertheless, all control with full information centers in the legislature. If a legislator wants to know anything about any matter of fact or policy in the

conduct of any public office, a responsible official is present to answer. The rules of order give a preferred position to "Questions put by Members" on two days of every week of the session. Nobody in an American State has the opportunities of information possessed by every member of a Canadian legislature.

Every Canadian official holds office subject to a recall immediate in its action if applied. The administration may be turned out of office any time by a vote of the legislative assembly. Officials are appointed not for definite terms, but during good behavior, of which the administration is the judge, and no appeal lies from its decisions. Canadian courts cannot entertain actions for unlawful dismissal such as are frequently brought in American courts. Judges themselves are not exempt from control, although in the Canadian system the control is vested in the Dominion Parliament. Any judge may be removed upon the address of the Dominion Parliament, and since the administration rests upon a parliamentary majority this virtually puts the matter within the discretion of the administration.

This dependence of every official—executive or judicial—on the discretion of the administration would be regarded in this country as provocative of gross abuses. If every administration had power to make a clean sweep of the offices, American political experience might cause it to be inferred that a continual scramble for the spoils would be the inevitable result. But such opinion leaves out of account the important fact that a Canadian administration has no occasion to use patronage to get the legislature to consider the public business. An American administration is dependent upon the favor and good offices of members of the legislature to get the measures in which it is interested put into legislative shape, carried through the various stages of consideration, and finally put to vote. Hence executive patronage is systematically bartered for legislative favor. A Canadian administration is not dependent upon anybody's favor or good offices to get its measures before the legislature. It is its constitutional right to propose its measures in such form as it deems best, explain their character, and bring them to vote. The legislature may vote them up or down, but cannot avoid meeting the issue. In such circumstances it would inconvenience the administration to have a mutable and demoralized service. There would be

much to lose and little, if anything, to gain by changes, unless made for reasons that can be avowed and upheld under criticism. Hence in practice the servants of the public constitute a permanent staff not affected by changes of administration. It is not by limitations of power, but by pressure of responsibility, that good government is secured.

It is easy to see that such conditions make the position of member of the legislature a position of more dignity in Canada than in the United States. An American legislature is but one among many public bodies upon which power has been conferred by popular vote. A Canadian legislature is the depositary of all public authority. It has no rivals or co-ordinates. No officers of State have been elected by the people other than the members of the legislature. Thus the members are really and truly the representatives of the people, the organ of the will of the people. This explains the difference in tone and behavior that one notices between legislative bodies north and south of the boundary-line. Popular characteristics are much the same, but the class of office brokers, claim-agents, spoils-hunters, and lobby servants who get into American legislatures are practically excluded from Canadian legislatures simply because there is no field for their arts and crafts. The character of legislative bodies is not determined by the choice of the people. Choice is practically limited to those who offer themselves. The quality of the offerings is determined by the conditions in which the members must act. The conditions repel from American legislatures abilities attracted by Canadian legislatures, and *vice versa,* so that in each case the general character of the membership is adjusted to the environment. If the tone of a legislative body is below that of the community from which it issues, that is evidence of defect in the constitutional system.

As the work of the session went on, the member found himself in a very different situation from that which would have confronted him in an American legislature. There the bills were distributed among numerous committees that were supposed to see that they were properly drawn and correctly engrossed. In the Pennsylvania Legislature there are 32 Senate and 39 House committees; in the New Jersey Legislature, 23 Senate committees, 28 House committees, and 18 joint committees. None of the Canadian provinces now have two legislative chambers except Quebec and Nova Scotia. Mani-

toba abolished her Upper House in 1876, and now everywhere along the border from Lake Ontario to the Pacific Ocean all public authority is vested in one body—a legislative assembly elected by the people. Only eight standing committees are provided for in the rules of the Ontario Legislature. The rules of order in Manitoba and in British Columbia do not specify any number of committees, but in practice as many as eight are usually appointed. They act for the House in giving hearings and collecting information on matters referred to them, but the fact that bills have been referred to committees for consideration does not prevent the House from considering the same bills if it sees fit. The rules of the Ontario assembly, which have served as a model for the Western provinces, explicitly declare that "the various clauses of all bills, public or private," even after reference to a special committee, "are subjected to the criticism of the Committee of the Whole." American committees are virtually segments of the legislature, with party representation on each committee. In theory every bill is subject to the direction of the legislature, and a committee may be discharged from consideration of a measure or ordered to report at a given time. In practice, the great mass of bills and the mutual dependence of members upon one another preclude interference with the committees, and the fate of most bills is in their hands. Such conditions afford endless opportunities in America for secret and irresponsible control of legislative action, and the outcome thereof, as seen in the statute-books, is the subject of continual complaint from the people. In Canada, conditions are different and hence results are different.

Owing to this difference of system, the member was not bothered by a swarm of lobbyists, promoters, emissaries, and casual loafers in lobbies and committee-rooms. Indeed, there was no room for such crowds as usually hang around an American legislature. The buildings in which Canadian legislatures meet are small and inexpensive compared with American State houses, and there are few committee-rooms. However small the space may be, however, care is taken to reserve a good part of it for use as a reading-room. This is a feature of Canadian legislative arrangements which, although unobtrusive, doubtless exerts an important influence. For instance, in the Manitoba State house there is a reading-room in which one may find over eighty periodicals

from all parts of the British Empire. A member may read what is going on in South Africa, Australia, New Zealand, or elsewhere. He may learn what new developments in public business have taken place, what undertakings have been begun for the public welfare, what policies are engaging popular interest. Thus instructions in popular government are diffused, and standards of achievement are set up. There is no difficulty in bringing to bear suggestions thus acquired, for the administration can be interrogated on any subject. If any English commonwealth makes a gain in public service, the fact sets up a pressure in other commonwealths for like benefit. What an administration in an Australian State has been able to do for the people may confront a Canadian administration as a problem. As a rule the marked administrative expansion going on in the Canadian provinces, making the sphere of their governmental activity far more important than that of an American State, has not been due to the desire of the government, but to the pressure of public opinion.

With the comparatively few measures that a Canadian legislature has to consider, business can, of course, proceed in regular order. Public policy is determined not in committee-rooms, but by public discussion on the floor of the House. Inasmuch as the drafting of bills is done by experts, questions of form do not occupy the time of the House, so there is time for real debate. The ability of a member is shown not by the number of bills he is able to pass or by the amount of appropriations he is able to get, but by his eminence as a debater and his acuteness as a critic of public policy. This explains how it is that working-men may rise to such high positions in English commonwealths. The premier of an Australian State once worked at his trade on the building in which he eventually was installed as head of the government. For his seat in the legislature he had to look only to his own district; the ability he displayed as a member, and the confidence which his leadership inspired among his fellow-members, made him a member of the administration. At no time did he have to set up delegates or carry a convention. Such things make politics a rich man's game. A working-man cannot rise in American politics unless he first accumulates wealth and ceases to be a working-man.

With few exceptions the length of an American legisla-

tive session is fixed by law, varying from forty to ninety days. There is no fixed period in Canada, the matter being determined by the amount of business to be disposed of. In practice, a legislative session may be anywhere from eight weeks to three months in length. Thus the frantic scramble that marks the closing days of an American legislature does not occur in Canada. The administration may alter its programme and drop some of its scheduled measures, accepting responsibility for inaction; but no issue can be avoided that the administration decides to press. If the legislature balks, the administration may dissolve it, order a new election, and send the members home to face the issue at the polls. Thus from first to last there is responsible direction, members are in a position to examine and criticize all proceedings, and the enactments of the session express the deliberate judgment of the legislature. It frequently happens with American legislatures that the most important bills are jammed through at the close of the session with little or no opportunity for discussion or amendment. In American parliamentary procedure there has been a tendency to gag and shackle the legislature. The most extreme stage in this tendency is displayed by the rules of order of the New York Assembly. During the last ten days of the session no committee has the power to report a bill except the committee on rules, which committee may report at any time, "and such report shall stand as the determination of the House unless otherwise ordered by a vote of two-thirds of the members present." Thus the committee on rules appointed by the Speaker is master of the situation, and in practice the most important legislation of the session is reported and put to vote by this committee. Indeed, it is often the case that more bills are passed during those ten days than during all the rest of the session. When a Canadian legislature adjourns, what is done is known. When an American legislature adjourns, what has been done is not known until the Governor gets through with the bills heaped upon him and the enactments as finally certified are collected in printed form.

These differences in the organization of public authority have important consequences in every department of public life. The concrete results impress every one that crosses the border. They affect every court, every public utility, every institution of government. HENRY JONES FORD.

HOW TO PUT THE PEOPLE BEHIND THE LAW

BY THE REV. PERCY STICKNEY GRANT

A New York judge who halted for a moment in Broadway recently to gaze up at a sky-scraper, was prodded by a policeman and told to "Move on." He moved on. His dumb obedience illustrated the attitude toward the law of the average American, who, while he may fume or grumble or prevaricate, nevertheless accepts a law pretty much as if it came from Sinai. There is a good deal of English law-abidingness inborn in the old-time American, hence his astonishment and alarm when he hears his laws challenged as fundamentally unjust.

But that is just what is happening to-day. Our laws are disparaged, even scoffed at, by large numbers of our fellow-citizens. President Samuel Gompers, Vice-President John Mitchell, and Secretary Frank Morrison, of the Federation of Labor, officers of the largest body of organized working-men in the country, are still under serious charges of contempt of court. The redoubtable Mr. Gompers is reported to offer as his solution of the matter the impeachment of Judge Wright.

The Socialist Party, in its Chicago platform, calmly recommended the dissolution of the United States Senate and of the Supreme Court.

Trade-unionists and Socialists combined flew to the defense of John J. McNamara, the secretary-treasurer of the International Association of Bridge and Structural Iron-workers, accused of complicity in an alleged dynamite explosion, greatly to the astonishment and disgust of the well-to-do classes who regarded McNamara at the moment of his arrest as virtually proven guilty of a string of dynamite outrages.

If in the large, as represented by their unions and programmes, the people flout the law, their disrespect is even more apparent when they speak for themselves. The working-man's label for our government is a "plutocracy," "an oligarchy," "a government by injunction"—one of tyranny, not of law. He laughs at law and quotes you the kidnapping of Heywood, Moyer, and Pettibone from Colorado into Idaho, and its subsequent "legalization" by the Supreme Court, which found it could not inquire into the circumstances of a kidnapping by civil officials. Or he echoes Mr. Gompers's seditious regret, "What we should have done then was to have pursued the kidnappers." Or, he refers, still laughing, to Warren's little joke, Fred Warren, the editor of the *Appeal to Reason*, a Socialistic weekly with 500,000 circulation, who, to point the moral of the Idaho "legalized kidnapping," advertised upon his envelopes a reward for the kidnapping of ex-Governor Taylor, charged with the murder of Governor Gobel, from Indiana into Kentucky, which resulted in the Socialist editor's sentence to imprisonment and in President Taft's petulant but rejected pardon.

"Disregard for law is fast becoming an American characteristic," is the finding of the National Education Association in a late report on a system of moral instruction for the public schools.

President Taft, in a speech at the Academy of Political Science, in New York, last spring, referred to the "lighter regard for law and its enforcement in America as compared with England, and a consequent less rigorous public opinion in favor of the punishment of crime."

President Hadley, of Yale, urges as a cure for our present low standards of public morality a higher reverence for law, which he thinks the country sadly lacks.

This is a new condition of things in America, especially this bitter, working-class feeling against the law—unless we compare it to the antagonism evinced by the abolitionists toward the slave-laws in the years before the Civil War. The working-people to-day in America are not behind the laws; they do not regard them as *their* laws, but as the laws of "hostile interests." It follows naturally that they distrust their law-makers and even their courts. That is the meaning of their demand for the initiative, the referendum, and the recall (even of judges). These new instru-

ments, they hope, will rescue for them their lost share of political power; will resurrect representative government and reinstate justice.

The dissatisfaction of our working-classes with the blind goddess must not be confused with the mob spirit that often sweeps away "our best citizens" when a negro is concerned, nor with the legal play of "the criminal rich." It is not the anarchist's revolt against all law, or the well-understood unpopularity of the law with criminals which the early American poet Trumbull wittily hit off:

> "No man can feel the halter draw
> With good opinion of the law."

There are thousands of critics of our laws and courts who are neither masked and cowardly fiends, nor rich law-breakers, nor anathematizers of law, nor criminals; but progressive citizens possessed with a humane passion for a profounder justice. Even the dean of one of our leading law schools in a speech before a body of lawyers, including President Taft, is reported recently to have said that "the free democratic government that prevailed here was neither free, nor democratic, nor a government." His utterance is significant of the attitude of many thoughtful men. A recent incident would have been considered as an omen of dire portent in the time of the Cæsars. The scales of the Goddess of Justice on the City Hall of the Metropolis of America fell from her hands and were broken.

Working-men are convinced that both laws and courts are against them. They are astonishingly well informed, too, as any one who hears them talk can testify, about legislation and about judicial decisions that affect their class. They are not, in the commonly accepted phrase, "deceived by agitators and demagogues," nor are they stirred by "vague unrest." Their complaints are clear and specific. The laws and the courts are against them, but are for their employers.

To begin with, the working-people see that proposed legislation in their favor or for their protection is fought by wealth. Many cases are on the tip of their tongue. For instance, here in New York, Fire Commissioner Waldo's order for more fire escapes upon factories was fought in the courts by the manufacturers. The law requiring owners of tenement-houses to put running water upon every floor

of the tenement-houses was bitterly opposed as unconstitutional even by a great religious corporation. The present Tenement-house law was fought in rather a disorganized way by the vested interests, which have since organized most effectively. The efforts of organized labor to secure an eight-hour day on all public works was also bitterly opposed. The fight waged at Albany in the last session of the legislature, against the bill limiting the working-hours for women and children to fifty-four hours per week, and also against the law bringing mercantile establishments more fully under the control of the Department of Labor, are other instances. Then, again, laws beneficial to working-people are passed, but are not enforced. Illustrations from the Empire State are, perhaps, typical. The New York Labor Law requires the provisions of 250 cubic feet of air-space for every employee in a factory from 6 A.M. to 6 P.M., but there has never been any general provision for placarding the premises stating the number of employees that may be permitted to work in each room.

Referring to the enforcement of the building-laws, the Wainwright Committee on Employers and Liability says:

"It was repeatedly brought out in the testimony presented to us that those sections of the labor-law dealing with scaffolds, the covering of floors, the fencing of shafts and openings, and the protection of workmen are flagrantly violated, particularly in New York City."

The laws, it is further claimed, are interpreted by the courts in a fashion hostile to labor. The following is a partial list of important decisions by high courts.

"Refusing to haul cars a conspiracy. T. A. & N. M. Ry. *vs.* Pa. Co. 54 Fed. Rep. 730, April 3, 1893. Taft, Circuit Judge."

"Quitting work is criminal. Same, April 3, 1893. Taft, Circuit Court."

"Arbitration unconstitutional. Supreme Court of U. S., in Adair *vs.* U. S., decided January 27, 1908, 208 U. S., 161."

"A strike is unlawful. U. S. *vs.* Cassidy et al, 67 Fed. Rep. 698, 1895."

"A workman considered 'under control.' T. A. & N. M. Ry. *vs.* Pennsylvania Co. et al., 54 Fed. Rep. 746, March 25, 1893, Ricks, Circuit Judge."

"Effort to unionize shop unlawful. Lowe et al *vs.* Lawler et al, 208 U. S. 274, February 3, 1908."

"Unlawful to threaten a strike. John O'Brien *vs.* People ex rel. Kellogg Switchboard & Supply Co., 216 Ill., 354, June 25, 1905."

"Unlawful to ask reasons for discharge. Wallace *vs.* Georgia, Carolina & Northern Ry. Co., 94 Ga., 732, June 18, 1894."

"Legal to jail a man a month without trial. Oregon Supreme Court. Longshore Printing and Publishing Co., Appt. *vs.* George H. Howell et al, 26 Ore. 527."

"Constitutional to discharge a man for belonging to a union. Wm. Adair *vs.* United States, 208 U. S. 161, January 27, 1908."

"No remedy for labor except personal suit. Massachusetts Supreme Judicial Court. Dianah Worthington et al Appts. *vs.* James Warring et al, 157 Mass., 421."

Another complaint continually heard among working-men is that laws passed by the people's representatives are nullified by supreme courts, and that the courts thereby assume legislative powers. L. B. Boudin, in the *Political Science Quarterly,* for June, puts the matter clearly:

"Each case is supposed to stand 'on its own merits,' which, translated into ordinary English, simply means that each law is declared 'constitutional' or 'unconstitutional' according to the opinion the judges entertain as to its wisdom. Since there are no longer any set rules by which the judges can be guided, since they are left to determine the propriety and wisdom of laws according to the canons of politics and statesmanship, they naturally exhibit those differences of opinion which we expect to find in legislative bodies."

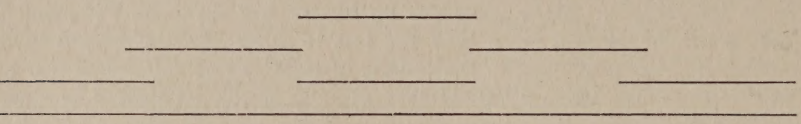
Another fact that weakens the popular confidence in the judiciary is that our highest courts rarely pronounce a unanimous decision. The "dissenting opinion" has educated the American citizen. He does not forget that he is nominally governed by majorities, but he has come to believe that on the bench the opinion of the majority need not necessarily be in accordance with justice. Nor ought justice, he thinks, in a court of nine, like our Supreme Court, to depend upon one man.

The people are confused, too, by the conflict of opinion between different courts as well as between members of the same court. Let me cite a case prolific of amused comment: In the year 1910 Basso, a bootblack, in the basement of one of the business blocks of Rochester, refused to serve Burks because the latter was a negro. The law of the State of New York requires full and equal accommodation in hotels and "other places of public accommodation." The question, therefore, was: Is a bootblack-stand a place of "public accommodation"? The first court said, "no"; the second, "yes"; the third, "no"; the fourth, "yes, but."

The immunity of wealthy criminals has helped to disillusion the man of the dinner-pail. The assistance given by the legal profession to ambitious and desperate men in securing, through our legislatures, statutes favorable to their enterprises, but deadly to public interest, has contributed to destroy the people's respect for the majesty of the law. They

discover through "investigations," let us say, that a great wrong has been done. Millions of money cannot be accounted for; vast expenditure is recorded without adequate showing in property values; what seems a gigantic robbery has been perpetrated at the expense of the public: yet, to the amazement of the simple-minded, the officials and owners of the corporations, who are well known, show no signs of fear and eventually go unpunished.

A famous district attorney explained to me how this happens. He took some matches from a match-stand on the table we were sitting at, and arranged them as you see the lines in this diagram:



He said:

"Suppose each one of these matches to be a law: suppose, then, our friend, whom everybody believes to have committed great frauds, is undertaking to carry out plans that these laws oppose. He approaches one of the laws and finds that it stands firmly in his way like a fence. If he were to lay his hand upon that law or try to jump over it, he would immediately be nabbed and prosecuted, probably successfully. But he doesn't so much as lay a finger on the law. Under the guidance of his legal adviser, he merely passes along in front of it until he finds a way around. He thereupon proceeds to find a gap between other laws, through which he just as freely progresses. Very likely he is again confronted by further obstacles, but he merely repeats the same cautious and successful practice. He does not interfere with the law, for that would render him liable, but he gets around the law. If, finally, he runs up against a law which, as far as can be seen, has no hole in it, and really bars his way, he has only to secure or to call upon powerful political backing, to pass a bill favorable to his objects, which his legal adviser draws up, and so he proceeds—*always according to law.*"

The working-people, furthermore, through their most "trusted representatives" who are labor leaders, to our shame it has to be admitted, persistently demur at the class spirit in which the law is administered. High executive officials, courts and law officers, it is contended, are swept along by this class bias, consciously or unconsciously, into grossly illegal action. A case in point is the arrest of McNamara.

In a letter addressed by Victor L. Berger (the first Socialist Member of Congress), to the Committee on Rules

of the House of Representatives, McNamara's arrest, leaving out of consideration, for the moment, his guilt or innocence, is analyzed in every particular as illegal.

"McNamara was not a fugitive from justice, and the Governor of Indiana did not take the trouble to make sure of the facts. The police judge had no proper jurisdiction, since the law specifically provides that the accused shall be brought 'before the Circuit, Supreme, or Criminal Court.' The police and private detectives who made the arrest had no legal right to do so, since the law provides that such arrests must be made by a sheriff or constable. The seizure of McNamara's private papers was illegal. The Indiana statutes (Sec. 56, act of 1905) define the right of Search and Seizure. No such act as McNamara's abduction is therein permitted. Amendment 4 of the Federal Constitution was also violated."

In a public letter dated May 10, 1911, dealing with the arrest, eight International Trade Unions with headquarters at Indianapolis ask the American public, "Can our persons be ruthlessly violated, our legal rights ignored, and our offices officially burglarized?"

The working forces of the country are sore over past encounters with their employers, in which they have been, as they believe, outrageously treated. Under the editorial caption, "No Confidence in the Courts," a member of the McNamara Defense Committee published a letter September 7, 1911, in the New York *Evening Post.* Addressing the editor, the writer says:

"Your attitude presupposes that the unions and their friends have absolute confidence in the methods of our courts. Let me tell you that such confidence does not exist. Nor would it be warranted in the light of past events.

"Let us look back upon some of the happenings of the last decade. Have you forgotten the Idaho Bull Pen? Forgotten Sherman Bell of Colorado and his exclamation: 'To hell with habeas corpus! We will give them post-mortems instead!' Forgotten all the lawless acts of the Mine Owners' Association, including the wrecking of the office of a labor paper in Victor?"

Now this shows an ugly mood, and whether or not the facts justify it, the mood itself is the worst fact of all.

In short, the working-man contends that long after the destruction of monarchical forms of government, class-control still goes on even in a democracy; that far from "the majority governing for all," Mr. Taft's artless assumption, in reality a capitalist minority governs for itself alone. This skeptical position held by the people is fortified by the recent findings of economists who discover that aristocracies or power groups have an inevitable tendency

to re-establish themselves under new names, even in republics, and that everywhere dominant classes make the laws in their own interests.

Finally, the people perceive that justice and right are not identical. If you hear no other complaint voiced by the working classes against their employers, you will hear the accusation of hypocrisy. They do not practise in business, it is charged, the altruism of their religious faith, but look out only for number one, protecting themselves behind laws, against the plain promptings of humanity. In the ranks of labor there are thousands of men of good trades and good character who, while at their work, have been injured by accidents, and whose employers have resorted to every ingenuity of the law to avoid the payment of damages.

What is more, the people do not understand justice which is only the grist of legal machinery. Merely to receive the benefit of the law is not, in their opinion, to receive justice, which might well be, to their way of thinking, something better than the conclusive decision of the court of last resort. For instance, a Vice-Chancellor in Jersey City recently refused the consideration of "common sense," urged repeatedly by a litigant, and replied, "I never knew that the Court of Equity was supposed to supply sense to litigators. All it has to supply is justice." But, somehow or other, "common sense" and "a square deal" are popular synonyms for justice, and describe the only kind the masses believe in.

The confusion of legal and moral ideals is not strange, nor purely the result of ignorance. Not only is ideal right what the unsophisticated imagine to be the aim of the law, but it is actually what philosophers have depicted as justice in a true republic, and what, historically, the law of the Greeks, more nearly than Roman or English law, strove to display.

The law of Moses, too, knew no distinction between right and justice; there was only one law. Indeed, we may have the Bible largely to thank (or shall I say to blame?) for the persistent confusion in the popular mind of the moral and the legal. Simple minds in England and America have for centuries been fed out of the English Bible upon the idea that justice should be the same thing as right. To the common people, for instance, Solomon is not only the most splen-

did of kings and wisest of men, but the most just of judges; yet how candid and convincing his judgments! Ought we to be surprised if, after generations of picturesque Bible teaching, the people seem to have got it into their heads that justice should be identical with right?

The American working-man, then, like Henry James's American Princess Maggie Verver, is disconcerted by "the discovery that it doesn't always meet all contingencies to be right." The something more, over and above being right that in his case has to be considered, is the law; but owing to his straightforward way of looking at things, it is not to be imagined that right, in his opinion, should accommodate itself to law, but that law, as a matter of course, should be fitted to right.

The relation of justice to right needs much clearing up, more than has been given it, more, of course, than I have room for here. Even jurists who have studied the fundamentals of the law are on this point obscure. One school finds the origin of the law to be custom, and consequently the judge, as "an expert upon custom," dispenses not only justice but also right; that is, as understood by his contemporaries, since he is their spokesman. The other school finds the origin of law to be the sovereign power. In their view, justice and right meet within the definition of the institutions of the day. In a monarchy governed by the theory of the divine right of kings, justice and right proceed from the imperial will, and are as infallible, theoretically, as that which proceeds from Deity. In a democracy governed by the theory of social contract, justice and right are identical for the reason that the citizen, when he receives legal justice, gets all the right coming to him under his contract; in fact, all the right his contract knows anything about.

But the educated proletariate is asking for more than that; it demands a closer compatibility between justice and right, and would be perfectly willing to go outside the breast of the judge, or the will of the sovereign, or the contract of the citizen to find it. The working-man naïvely expects law, perhaps, to stand for that which among the Athenians the Goddess Themis embodied—abstract right as well as law and order.

Perhaps we can get at the relation of legal justice to moral right by a bit more of analysis and a historical glimpse. If law deals with what "is," and morality with

what "ought to be," then we can easily look back to a time when human intelligence was so undeveloped that its customs or laws entirely satisfied it. Usage went as far as conscience saw, because a very simple custom summed up their social and psychological experience. What *was* and what *ought to be* were one of necessity because the mentality of the time could not think them apart. With increasing intellectual scope, their later schism would be inevitable.

After all, what the working-man wants is not abstract right, which would be less human than old custom and would depend upon the vicissitudes of the metaphysical theories that established its standards. The working-man is seeking a positive ground for law in racial advantage as revealed by modern science. In short, the working-man, instead of always looking backward for his legal authority, proposes to look forward, and is declaring that whatever looms as for the best interests of mankind must be right and should be law. The object of the law, as he sees it, is not only to prevent injury, but also to create all sorts of new and higher values.

And why cannot the present without arrogance claim to be self-sufficient in knowledge and conduct? The tendency to explain every advance in moral position by reference to the past has been commented upon by Sir Henry Maine as "a curiosity of human nature." Mankind has seemed ashamed to see in his own times reasons for, as well as evidence of, advance. But we have now entered upon a new era whose characteristic is that it will honor the present. Its method will be to illuminate an old science by the new sciences; it will let light into law by opening windows from law into economics, hygiene, psychology, etc., etc. "The Rule of Reason" as applied in jurisprudence must eventually, it would seem, appeal to arguments only to be discovered in the broadest prospective advantages common to mankind. Charles Ferguson says:

> "That day is at hand in which it would be possible for a lawyer to stand up in court and say, 'I admit that I am not in line with the precedents; but I ask judgment on technical grounds. The law exists to mobilize the creative forces of society; and I am able to show that the case of my client is in line with the sound rules of city building.'"*

Now, the object of this article is to persuade the reader that nothing can be more threatening to a democracy than

* *The University Militant*, p. 31.

for the rank and file of the people to lack respect for their lawmakers and to harbor suspicion of their courts. Serious possibilities confront a government which permits a schism between its classes. From animadversions against the law, the step is an easy one to violation of the law; from lack of confidence in legal methods, the way is not a long one to their overthrow. The activities of our courts, on the other hand, are not so far removed from popular feeling that dissatisfaction among the masses with the attitude of the bench can be allowed to continue with no fear of consequences. Supreme Court decisions have, in the past, been momentous, as many men now living can testify. The Dred Scott decision helped to bring on the Civil War.

How can the people be put behind the law? What remedy can we apply to the increasing hostility between classes in our republic? Let us look first at simple and partial remedies.

Before proceeding, we must remember that we cannot expect the people to reverence law in the abstract; an abstraction cannot long retain the allegiance of a democracy. They will respect only beneficent laws and good lawmakers.

The people could be put behind the law to some extent by making them better acquainted with the law. This would be a method for which we have precedent in American history. The colonists knew their Blackstone. "The Men of '76" waged the Revolutionary War more upon legal technicalities than because of actual physical grievances. The orators of the Revolution could boast that every patriot was an embryo lawyer. After the outcome of the war, it was again the wide-spread knowledge of English law that made possible our Constitution.

Voices are continually heard to-day in people's assemblies and forums, often in broken English, expressing respectfully a pathetic desire to know more about the legal machinery of this country. They ask how laws are made; how state and national institutions can be changed. Lacking this knowledge, is it unnatural that ignorant or suspicious or aggrieved working-men, especially those from over-seas absolutism, still fancy themselves in the hands of tyrannical forces?

Why could not evening classes in the law be opened for working-people, where they might become widely acquainted with the subject-matter of law, and, at any rate, with their

legal rights? Besides night-schools for adults, law could also be taught in the high-schools—and, perhaps, in the last year of the grammar-school. Such law-studies in the public schools would give, too, a dignified and intelligent approach to citizenship.

The Twelve Tables were used by the Romans as a school-book for their children. If the Americans were to use the Constitution even as a "reader," its nature, at least, could be explained to future citizens who would learn that the Constitution is not a hard and fast contract between the States and the Federal Government—in other words, a dead document—but that such an agreement embodies, of necessity, the living law of the land, and consequently contains within itself an organic principle of growth which accounts for the constructive interpretations which, to the eyes of the uninformed, look like constitutional revision at the hands of the judiciary. Every child in the United States ought to be taught that the Constitution is not at any rate a boundary-stone, but more like a guide-post, and most like a tree well rooted in fertile soil.

Popularizing the study of law would do something to correct the people's attitude, for a knowledge of the law ought to disclose legal means out of alleged difficulties. Two prominent Socialists of my acquaintance were greatly surprised "to be shown" by a lawyer friend of mine how many of the things their party demanded could be obtained under existing laws. One of the Socialists—the more revolutionary of the two—is now studying law, and intends to practise it.

Greater knowledge of the law might correct misconception even in high places. For instance, it might prove to Senator Borah, of Idaho, that it is impossible for a judge "to consider nothing but the terms of the written law." There is usually more than one opinion of the meaning of a statute. The first question is, what does it mean? A judge's mind will interpret a law under the influence of his culture, temperament, and sympathies; for his mind works just as ours work. A decision with him or with us is the resultant of all the mental forces.

There is another method by which the people could be rallied behind the law; suppose bills of the first importance in Congress and in State legislatures had public hearing before great popular audiences, where the bills could be

explained by their promoter and questions might be asked and answered. Public discussion is the essence of peaceful progress in a democracy, but it is rarely afforded in legislative debate, which is too often only a demonstration of power between contending forces, with as little honest controversy as is shown in a tug-of-war contest — worse still, a tug-of-war when an anchor-man's palm has been "greased." With more public discussion we should need less public investigation. Honest public education about pending measures would have a tendency to prevent special legislation hostile to public interest, and would develop among the people sympathy for lawmakers and approval of their work—the agreeable confidence that the laws enacted were *their own* laws.

Again, why cannot laws be drafted in such clear language as to be intelligible to anybody who can read and understand English? A deal of litigation would be unnecessary and much distrust of the law avoided, if in every legislature there were an official sufficiently a master of the vernacular to frame bills whose phraseology would not itself be a source of misunderstanding. "Half the perplexities of men," says the Duke of Argyll, "are traceable to obscurity of thought hiding and breeding under obscurity of language." Even the New York *Times* is irritated at the delays and misunderstandings due to the obscurity of legal language, and lately declared, "It would be well if the slang and jargon of the law could be reduced to terms of our common speech."

We must ask our legislators—so many of whom are lawyers—and our judges as well, to know something more than the law. Laws are framed and tribunals determine justice, not only according to legal, but also according to political, social, and economic principles. The judge who believes, with our new political economists, that poverty can be abolished will hand down different legal opinions from his associate who still holds to the law of diminishing return, or that poverty is God's judgment on incapacity. Many lawyers of a humane interest in the uplift of the working-classes are unfortunately halted upon the threshold of social reform by a fear, inspired by their old college political economy and the ghost of Doctor Malthus, that our food supply is inadequate and must necessarily fall to some in starvation quantities if others are to have enough.

At a meeting of the Association for Labor Legislation, in April, 1909, Prof. Ernest Freund declared that in his opinion a systematic study of industrial hygiene would revolutionize the attitude of the courts toward labor legislation.

But hygiene is not the only study besides law which a lawyer ought to know. Biology, history, and sociology would teach him that all material things and all human institutions are plastic to evolutionary forces; that law is no exception, and that it will still further change.

If the people believe that the laws and the courts are against them, and if they demand a change, then one of the first things to be done is for the conservative classes to get used to the idea that change is not necessarily catastrophic.

Twenty-five years ago I was walking across the quadrangle of a theological seminary with the foremost educator in America. As we passed the library I made some remark about the oblivion that quickly envelops most religious literature: "Yes, the minister's library soon loses its value, but so does the doctor's. Only law stands unchanged." To-day an authoritative writer upon the law freely admits to me that the fundamental laws of property are changing. Yes, even the laws of contract—that stronghold of conservatism—are undermined.

The theological library and the law library may not be approaching a common obsolescence, but those concerned with law must acknowledge that unexpected changes in their science are under way. But change does not spell revolution—that is, destructive revolution. Changes take place in political and religious institutions long before they are named. A name does not make a change dangerous. Lowell was a good constitutional lawyer when he wrote:

> "We shape our courses by new risen stars,
> And still lip-loyal to what once was truth
> Smuggle new meanings under ancient names,
> Unconscious perverts of the Jesuit, Time.
> *Change is the mask that all continuance wears*
> To keep us youngsters harmlessly amused."

Out of the midst of the Supreme Court itself comes testimony to the change our laws are undergoing. Justice Holmes encouragingly remarks

"that it is unavoidable that judges base their judgments upon broad con-

siderations of policy, to which the traditions of the bench would hardly have tolerated a reference fifty years ago."*

Mr. George Gordon Battle, after a valuable review of notable decisions affecting labor, concludes that recent decisions are, on the whole, more sympathetic, and are more disposed to take into consideration public policy.†

Let us now turn to the more serious and fundamental method of putting the people behind the law, and of closing the growing chasm between classes in our democracy.

We cannot put the people behind the law merely by taking power away from the capitalistic class and by giving it to the working class. Our problem would not be solved by transferring political power from the capitalistic minority to the proletariate majority. Working-class control would only swing the pendulum to the other extreme and give us working-class justice, just as now we have a capitalistic justice. And we are well enough aware that one control, if we are talking about arbitrary exercise of class power, would be as bad as another. A working-class control would be as unjust as a capitalistic control, for it, too, would be one-sided.

The working-class outlook, on the whole, it has unfortunately to be noted, is not broad, and some of the decisions adverse to labor we are obliged to account for (and this is admitted by labor men themselves) as the result of immature legislation undertaken at the hasty and querulous call of labor. Some working-men blame their own class for the adverse judicial decisions, and even contend that most of the labor laws declared unconstitutional have been declared so justly. The trouble with the laws, they say, is not so much with the courts as with labor itself, or its legal representatives; for the trouble is in the instincts of the working class. The instincts of the working class are to procure some sort of legislation that will protect them, and that will injure, somehow or other, the corporations, by giving small businesses advantage over corporations. Much of the legislation in the interest of labor has, as can be seen, discriminated against corporations and also in favor of local labor as against race and nationality. Not only was it easier for the courts, but incumbent upon them, to declare such legislation unconstitutional. The fault may lie in the

* *The Common Law*, p. 78.

† *Address before the People's Forum*, p. 16.

wrong instincts of the working class, or in the attempt on the part of legislators to satisfy labor by passing some sort of legislation in its favor, but of such a nature as to make the declaration of its illegality certain.

If capitalistic control of legislation is intolerable, and if working-class control would be no better, must we not look for a mean between capitalistic control and working-class control; that is to say, for a relation between the two that will give to neither undue power?

In other words, we are confronted by the problems of a heterogeneous population, diverse in tradition, in education, and in economic condition. The great question is: How can we fuse together the diverse and warring elements of our population? For "a nation may be intact," says Homer Lea, "only so long as the ruling element remains homogeneous."* By the very terms of a democracy, however, where the ruling class is all the people, its citizenship is pledged to an ideal homogeneity. If, therefore, we would save our national existence, every effort must be made to promote such an understanding and interchange, such a just distribution of wealth and honors as shall truly recreate, out of our conflicting classes in the United States, a homogeneous people. This is a titanic task both materially and morally, but it is the task before the United States if it is to maintain its existence as a self-governing nation.

How can we create a homogeneous nation? is the vital question for America. How can we secure a mean between capitalistic control and working-class control? Can this be done in any other way than by raising the material status of the working classes and by reducing the private and arbitrary control of wealth?

The United States can only be given necessary homogeneity by reducing the disparities between rich and poor. "No nation," says Professor Patten, "can have a normal growth with poverty-stricken neighbors trying to displace it."† How much less can a self-governing nation have a normal growth while poverty-stricken classes are attacking it from within.

A constant taunt heard upon the tongues of Socialist orators is that capital never gave anything willingly to labor; that concessions have been fought for and wrenched

* *The Valor of Ignorance*, p. 124.
† *The Social Basis of Religion*, p. 186.

by fear or by force. The story of specific legislation seems in detail to bear out this allegation. But, viewed in a large way, there is a mitigating answer. The loss of class assurance was, just before the French Revolution, an increasing appearance in the aristocracy. If the growing doubt of itself had had great leadership, modern history might have had a painless birth, and progress in the nineteenth century no reaction. It is a question whether power can be snatched from classes which have monopolized it until they have become unnerved by self-distrust. A weakening of self-confidence may be observed to-day in the capitalistic attitude in America, and, at the same time, an increasing sympathy for labor among the intellectuals. Here, then, we have a mental and moral medium in which alone class concession may be secured and fixed. This is the field, too, in which wider education, mutual confidence and sympathy ought to be most helpful in adjusting popular grievances.

Sir Henry Maine noted the conflict between law and progress. "Law," he said, "is stable; the societies we are speaking of are progressive. The greater or less happiness of a people depends on the degree of promptitude with which the gulf is narrowed."

PERCY STICKNEY GRANT.

NECESSARY PANAMA CANAL LEGISLATION

BY EMORY R. JOHNSON

THE greatest engineering work of the ages is within two years of completion. It is confidently expected that the Panama Canal will open its gates to merchant ships during the year 1914; for by that time the waterway, though lacking minor details, will be far enough advanced to allow even the largest vessels to pass with comparative safety from ocean to ocean. The year 1914 will be employed in the final work of construction, in training the operating force, and in tuning up the complicated machinery until power-plants, lock-gates, valves, and motors shall respond with precision to the touch of button and the turn of lever; then on New Year's Day, 1915, the Canal will be formally opened with appropriate ceremony. War vessels from the fleets of all nations will unite with the dreadnoughts of the American Navy in an imposing progress from the Caribbean to the Pacific. Thus will be celebrated the triumph of a third of a century of endeavor, the realization of the hope of Columbus, of Balboa, and of De Lesseps.

The problems of canal construction have been revealed and solved—disease has been held in check, the Gatun Dam has been established upon a broad and sure foundation, the massive locks will be completed during 1912, and their operating machinery will be installed before the close of 1913. Even the sliding banks of the Culebra Cut, which during 1909 and 1910 caused no little anxiety, are approaching the angle of repose. The days of uncertainty are past; it is now possible and necessary to plan for the future. What shall be the future of the Canal Zone? How shall the Canal be operated? What tolls shall be charged for its use? These

are pressing questions to be answered by Congress and the country as soon as a wise decision can be reached.

From the American occupation of the Canal Zone in 1904 until the present time, the Zone has been governed by the President of the United States, whose executive orders are the law of the land. The President has acted without a grant of authority by Congress, there being no disposition on the part of Congress to place any restrictions whatever upon the President other than those imposed upon him by the Spooner Act of 1902, which instructed the President to construct the Canal through the agency of a commission of seven men. The time has now come when Congress should act; it should give legislative sanction to the executive orders issued during the past seven years, and should definitely authorize the President to govern the Zone in the future.

Different views are held concerning the policy to be adopted for the future government of the Canal Zone and for the operation of the Canal. There are those who, animated by a zeal for the spread of democratic institutions, would seek to make the Zone a model republic—an ideal to inspire all Latin America. Those who are of this mind would maximize the civil government of the Zone, place a civilian governor at its head, and make the superintendent, or director, of the Canal a subordinate in charge of one department of the civil administration. Others, equally patriotic, would have Congress authorize the President of the United States to establish military rule upon the Isthmus by placing a major-general in charge of the fortifications and making him the director of the Canal. Those who would emphasize the civil authority would dissociate the civil and military functions of government, and would welcome the settlement of the Canal Zone, preferably by a permanent population of American homesteaders; while those who advocate the military administration of the Canal contend that the Zone cannot be profitably cultivated, and that, if successful farming were possible, the portions of the Zone not occupied by the Canal and its appurtenances should be kept as a government reservation to be used as future needs may require for the enlargement of the Canal and for the purposes of the Army and Navy.

The issue, thus stated, seems to be clear cut. Shall the Zone be a military reservation, and shall the Canal and the

Zone be subject to the Commander of the Forts, or shall the three hundred and forty square miles (more or less) of land within the Canal Zone not immediately required by the Canal and its auxiliary works and structures be made, if possible, the seat of a model democracy whose civil governor, selected by the President of the United States, shall be responsible for the operation of the Canal? However, at this, as at most cross-roads of public policies, there are more than two ways from which to select a course of procedure—and in this instance, as is usually the case, the road to take is one intermediate between the two extremes.

The area of the Canal Zone is less than most people suppose it to be. The entire area within the strip ten miles wide across the Isthmus is 436 square miles, and of this the United States, either directly or through the Panama Railroad Company, owns 363 square miles, the remaining 73 miles being private property. The Canal occupies 96 square miles, leaving but 267 miles of unappropriated government land. The future enlargements of the Canal and the construction of additional auxiliary works from time to time will require a part of this government land. A portion of the reservation will be required for military and naval purposes, present and future; and it is conceivable that a government reservation on the Isthmus of Panama might be of advantage to several departments of the government.

It will undoubtedly prove to be the wiser policy for the United States to reserve all the land it now owns within the Canal Zone for canal and other government purposes. The United States should also gradually acquire all privately owned land within the Zone. It would be a serious mistake, from every point of view, sanitary, economic, and military, to allow the narrow strip of land on each side of the Canal to be occupied by the shiftless shack-dwellers that have already begun to establish themselves on the margins of the jungle; and, however desirable a Zone population of American planters might be, it is not to be expected.

Those who anticipate the occupation of the Canal Zone by farmers from the United States seem not to have considered the economic limitations of the Zone, which consists, for the most part, of land too swampy to be drained, or too rough and irregular in configuration to be laid out in plantations that could be successfully cultivated. The climate of the country, as well as the contour of the land, is a

hindrance to agriculture. A rainy season of eight months and a dry season of but four months make the Zone a region of rank vegetation and of meager crops. The growing season is too long and the fruiting season too short.

A glance at the map of the Isthmus will partly explain why the Zone is not a favorable location for plantations. Where the Canal crosses the Isthmus, the distance from ocean to ocean is not only short, but the continental divide swings over close to the Pacific side, leaving no plateau between the mountains and the sea. In all Central American countries, it is upon the plateaus between the divide and the Pacific that the coffee and the sugar plantations and most of the ranches are located. There the annual rainfall is not excessive, and the dry season is of adequate length. Bananas are grown in large plantations near the Caribbean, and rubber-trees thrive on both sides of Central America, but most agricultural products, even cacao, are raised to better advantage on the uplands that slope toward the Pacific. Moreover, the climate is more salubrious than on the Caribbean side of the divide. For these reasons most of the population of Central America is near the Pacific.

The possibilities of banana culture on the Atlantic slope of the Canal Zone are extremely limited; and there is little, if any, land on the Pacific side adapted to coffee, sugar, or cacao culture. There is no prospect that capital will be invested in plantations within the Canal Zone. In other portions of the State of Panama, and in Central America generally, so much greater opportunities and so much more favorable economic and climatic conditions can always be found that capital will not favor the Canal Zone.

The policy of opening the Canal Zone to American settlers and the exclusion of Panamanians would doubtless be objectionable to Panama. The Zone lies across the center of the territory of the Republic of Panama. The Isthmian Canal Commission, in order to avoid friction with the Panamanian Government, adopted for the Canal Zone the Panamanian laws, which impose the numerous personal taxes and fees customary in Spanish countries. American settlers in the Zone would not submit to the Spanish system of taxation. There would have to be different tax laws within the Zone than there were across its boundaries, no matter how difficult it might be for Panama to enforce her laws in the neighborhood of the Zone. It may be argued that Panama ought to

change her laws; and probably she ought; but there is no prospect that Panama or any other country with Spanish institutions will adopt Anglo-Saxon theories of taxation.

To reserve the Canal Zone for government purposes will best serve the needs of the United States, and will minimize friction between the Zone authorities and the Panamanian Government.

Whether the United States shall decide to open the Zone to settlement, or whether it shall reserve the territory strictly for Government purposes, it will be necessary for Congress to provide for the administration of justice through appropriate courts. The judicial power should be exercised by judges entirely independent of the military and civil authorities.

It is to be hoped that Congress will vest in the President the military, civil, and judicial powers of the United States in the Canal Zone, leaving to him the organization of the machinery of government. The President should be authorized to establish one Circuit Court for the Zone and such inferior courts as may be found necessary. Like Federal judges, the justice of the Circuit Court of the Zone should be appointed by the President by and with the advice and consent of the Senate; but he should hold office for a limited term of about four years, in order that the President may be able, without embarrassment, to maintain at the head of the judicial system of the Zone a man of proven capacity.

At the present time there is a Supreme Court on the Canal Zone, consisting of the three Circuit Judges. This court has undoubtedly served a useful purpose during the period of construction when there was a large force of employees living in the Zone, but such a court will hardly be needed after the Canal has been put in operation.

Appeals from the Circuit Court of the Canal Zone had probably better be made to the Circuit Court of Appeals of the Fifth Circuit of the United States, which sits in New Orleans, and which is familiar with the principles of the Spanish law. The Circuit Court of the Canal Zone should have final jurisdiction in most matters, appeals being allowed, however, in actions and proceedings involving the "constitution, or any statute, treaty, title, right, or privilege of the United States." It might also be well to allow appeals in cases in which the property in controversy ex-

ceeds one thousand dollars in value. Cases involving criminal offenses punishable as felonies should be appealable to the Circuit Court sitting in New Orleans.

When the United States is at peace with foreign nations —and peace is our normal condition—the authority over the Canal Zone outside of the fortifications should center in the superintendent, or director, of the Canal and its auxiliary works—the railroad, the piers, dry-docks, machine and vessel repair-shops, coaling-stations, and other necessary and pertinent establishments. The chief concern of the United States upon the Isthmus is the operation and maintenance of the Canal; and in selecting the superintendent and defining his authority neither politics nor official red-tape should interfere with efficiency. Men admirably equipped with the technical knowledge and the administrative experience required to manage the Canal can be found in the Engineer Corps of the United States Army. The success attained by the Army Engineers in constructing the Canal makes this certain.

There are other strong reasons for selecting an engineer officer, instead of a civilian, to operate the Canal. The President, quite untrammeled by political influence, can detail an officer of the Engineer Corps for this duty, and such an officer will be a man whose training has developed both his initiative faculty and his sense of discipline. He is an officer who obeys commands and who compels obedience. His status as a United States engineer officer, holding a position with a life tenure, enables him to act independently of all influence except a zeal for public service. Politics should have nothing to do with the operation of the Canal, and the surest way to safeguard the Canal administration against political influences is to authorize the President to act through a detailed engineer officer.

The general organization for the operation of the Canal and the administration of the Zone might well be as follows:

Subject to the Colonel of Engineers, who is detailed by the President as Superintendent, or Director, of the Canal, there would be:

1. The Department of Canal Operation, within which there would be the foreman of locks, the power-plants, the terminals, and sub-foremen of dry-docks, machine-shops, and other works. A bureau of canal tolls and measurement of vessels would be a part of the department.
2. The Department of Railroad Operation, organized as is customary in the railroad service.

3. The Department of Sanitation and Quarantine in charge of an officer detailed by the President from the Public Health service.

4. The Department of Zone Administration, at the head of which would be the superintendent of the reservation. The work of civil administration in the Zone would be reduced to a minimum by the exclusion of settlers and by using the reservation only for government purposes.

This form of organization would provide a simple, unified, and economical administration during times of peace. When the United States became involved in a war, martial law would, naturally, be declared in the Canal Zone, and the Commander of the Fortifications would be given authority over the Canal until the restoration of peace.

Congress should pass a law early in the coming session, giving the President authority to operate the Canal so that he may retain the best men now on the Isthmus for the operating force, which will comprise from 2,000 to 3,000 men. The President will, naturally, act through the Chairman of the Isthmian Canal Commission, who should be directed to work out the operating organization during 1912, to establish a scale of wages to be paid the permanent force, to engage the men who are to be employed, and to begin as early in 1913 as is practicable to train these men for the duties they will have to perform when the Canal is opened for the passage of shipping, which will be on or before the beginning of 1914.

It is the belief of Colonel Goethals "that a lower wage scale can be put into effect for operating the Canal" than has prevailed for construction work, provided Congress will allow sufficient time for building up the permanent operating organization. Prompt legislation by Congress is desirable in order that the President may act without undue haste, and that the present Chairman of the Isthmian Canal Commission may be able to organize an operating force from among the employees now on the Isthmus.

The Canal is being constructed to serve the commerce of the United States and of the world. It will be of great naval importance to the United States, but its purpose is primarily commercial. The accomplishment of this purpose will, in large measure, depend upon the tolls charged for the use of the waterway. If the tolls are placed so high as to cause a large volume of traffic to keep to the route through the Straits of Magellan or to choose the Suez, instead of the Panama, route, the tonnage and commercial

usefulness of the Panama Canal will be unwisely limited; and, if the tolls are made lower than those that may be imposed without unduly restricting the use of the American waterway, the United States will fail to secure the revenue justified by the large expenditure of public funds that has been made for the construction of the Canal, and must be made year by year for its operation and maintenance. Panama Canal tolls should be fixed with reference to both their commercial and their fiscal results.

The time has come to decide what the tolls shall be. Indeed, it is now a year since such steamship companies as the American-Hawaiian Line, the Pacific Mail, the Royal Mail, and the Hamburg-American, and such large manufacturers as the Carnegie Steel Company, began to ask the Government what the tolls are to be at Panama. In order that steamship companies may be ready to expand their services upon the opening of the Canal, new ships must be ordered and adequate terminal facilities must be constructed or secured. Such large shippers and manufacturers as may desire to operate vessels of their own through the Canal, either in marketing their goods or securing supplies, must also have ships and terminals constructed; and it ordinarily requires about two years to design, contract for, construct, and put into service a well-appointed vessel. Business prudence will, of course, cause steamship companies and manufacturers to postpone the investment of capital in ships to use the Canal until they know what the tolls are to be.

It is desirable that carriers and shippers should be given ample time to prepare to use the Canal as promptly as possible upon its completion, in order that industry and trade may, without unnecessary delay, secure the benefits of cheaper transportation. The shifting of traffic from existing routes to those through the Canal will, in any event, require some time; distance alone does not determine the course taken by ocean vessels; various commercial factors have their influence; and many ocean-carriers will determine experimentally whether, or to what extent, it is profitable for them to use the Canal. On the other hand, many vessel-owners will, as soon as they know what tolls are to be charged, be able to decide whether to abandon existing routes upon the opening of the Canal. The use of the Canal during the first two years of its operation, and consequently

the service it renders commerce, and the revenues it yields the government, will be increased by an early announcement of the rate of tolls to be charged.

Bills that have been before Congress during the past year have wisely provided that the President shall fix the tolls and change them from time to time. These bills name the maximum and minimum points between which the rate of tolls shall be fixed; but the proposed legislation recognizes the fact that the adjustment of tolls to traffic is an administrative problem, and that the President should be allowed wide discretion in fixing the charges. Undoubtedly, Congress will, this winter, include in its Canal legislation a grant of authority to the President to decide what the tolls shall be, and to make such changes in them, from time to time, as may be justified by the volume of traffic and the amount of revenue obtained from the Canal.

EMORY R. JOHNSON.

ONE PHASE OF JOURNALISM

BY JOSEPH S. AUERBACH

THE assertion so frequently made that we have a too sensational press is, in a measure, doubtless correct; yet so long as we continue to have sensations to record, it is perhaps idle to expect, and it may be unwise for us to desire, any marked change in the character of news published. And though all of us when abroad enjoy the great London dailies, with their attractive appearance and admirable presentation of matters of general interest to the whole English-speaking world, we may not always consider why it is that the columns of a London and a New York newspaper of equal prominence so often exhibit such striking if not startling contrasts.

If quite frank with ourselves, however, we must recognize that there is much less occasion there than here for the publication of sensational news; for, embarrassing as may be the admission, it is nevertheless true that we have not, to the same extent as have the English, an underlying regard for law and order in relation to what we are pleased to term petty offenses with which the sensational item so frequently deals; and we do not, therefore, as is done in England, see to it that they are disposed of as matters of primary importance.

An incident at an important conference recently held at the country home of a distinguished Englishman many miles from London may serve as an extreme illustration of this distinction. A member of the nobility, and also well known "in the City," who was among those taking part in the conference made it quite clear to all present, except an American, that his absence from one of the discussions was imperative because he was to appear to press a complaint at Scotland Yard against a cab-driver who had overcharged him. What in such a case is the rule in England would be the exception in this country.

By this it is not intended to suggest that vast problems are not being solved by us for the advancement of the world, for the contrary is true; and one must be indeed blind who does not see that this country, in humanitarian acts—which elsewhere seem meager and grudging by comparison — and in high purpose and achievement, is justifying the hope of mankind in the experiment of a democracy. But, as we move forward to our great accomplishment, we in a sense disregard and frequently do not even unfavorably comment upon these many minor transgressions, apparently content that for the time being they should be merely elbowed out of the way by the larger and more urgent affair of our life. Nevertheless, we shall be unwise if we close our eyes to the possible consequences of permitting even them to go too long uncorrected, lest by and by they may grow into precedents for much wrong-doing. For the accepted rule in ethics is fully indorsed by observation, that punishment in the court of conscience, unlike that in courts of law, lessens with each repeated and unrebuked offense; and it should be a grave concern with us that we do not deaden our sensibilities to that which makes for a more enlightened and exacting citizenship.

That we shall in the end deal summarily with petty as well as with grave offenses, and make graft and greed synonymous in the public estimation with criminal acts, all who read aright our history are entitled to expect; and meanwhile until these reforms are brought about, there should be no precipitate conclusion that the Press is too censurable for its vigorous methods of presenting some rather seamy sides of our progress. We can often be more profitably employed in considering whether, in the mirror thus held up, there may not be presented a more or less accurate, though it be a discouraging, reflection of men and things as they are with us to-day.

It is not meant, however, to applaud the unnecessarily conspicuous display often given to unwholesome news and to the theatric comings and goings of many persons, whose whereabouts and performances, one would think, were of little or no moment in the world. Such a practice does more than make a newspaper page uninviting, for it may even give rise to much misconception concerning a community which tolerates it. That the city of New York is, in the opinion of many another section of this country, a hot-bed of

things of at least frivolous growth instead of standing for what it really is, a splendid monument to the character and culture and noble deeds of the great body of its citizens, is due, more than to anything else, to the inference capable of being drawn from many newspaper accounts that the casual, contemptible outcropping of misconduct is largely typical of the ways of life here; and, if the reader be too inert or perhaps indisposed to draw this inference, the editor often gladly volunteers to do it for him. But of all this the present article presents no extended discussion.

There is, however, another phase of journalism that must be deeply regretted by all thoughtful persons, and this is the harsh and undeserved criticism to which men of character and distinction are often subjected in the news item as well as in the editorial column. And, whether the injustice be deliberate or merely the result of a kind of flippancy or indifference, injury is done to the individual by subjecting him to humiliation, and to the community by destroying or at least chilling his ardor for further effort. Moreover, such a course, if persisted in, cannot fail to lessen the influence of the Press in an emergency calling for legitimate reproof or denunciation. There are times when one is inclined to the exaggeration of saying that scarcely any one prominent in public or private life seems safe from this kind of reproach. Even a President of the United States encounters it; a member of Congress, with much to his credit as a legislator, if he be, so to speak, too aggressively progressive, may find himself classed among demagogues; and the upright man of affairs, who does not hesitate to give liberally of his time and resources for the public welfare, may, on slight provocation, come to be *persona non grata* to the newspaper.

Even those representative newspapers of this city, which exhibit in their editorial columns a vigor and charm of style the very reverse of the slovenly writing appearing in many a magazine article and not a few books of the day, and which maintain an attitude toward better civic conditions, in refreshing contrast with what we at times are called upon to witness elsewhere, are now and then guilty of the rough rebuke of men deserving at most only temperate criticism; or if it be not rough rebuke, it is an inconsiderate ridicule quite as damaging, if not more so. It is not easy even if it be possible to account for this tendency, but the habit

acquired in the rather lurid presentation of the sensations of the day has undoubtedly a good deal to do with it. Still, the newspaper proprietor is a merchant, giving to the people what they demand or are willing to put up with; and if he forgets this, his memory is promptly jogged from the counting-room or the circulation department. So it may well be that we as readers have our distinct share of responsibility in the matter, for having indulged ourselves so long on the highly seasoned mental food provided by the newspaper—together with a goodly admixture of the cleverly told salacious story and the questionable but well-presented play—perhaps we are no longer satisfied with simple, old-fashioned nourishment. If the *tu quoque* retort be made that many of us in private conversation are prone to express unamiable and unfair judgments about our fellowmen, we may, while conceding the point to be well taken, at least reply that the harm thus done within a limited circle is relatively negligible, compared with what results when the editor of a great metropolitan journal errs in his appeal to the vast audience which he addresses and so unmistakably influences. With the momentous privilege of his high calling he has correspondingly momentous obligations; and a frame inclosing a card on which *Noblesse oblige* was conspicuously printed would not be an inappropriate addition to the rules and regulations of more than one editorial sanctum; and it could, properly enough, be a substitute for a list of the excommunicated, if the wall space be already fully occupied.

If it be not feasible to have the list dispensed with altogether, at least there is every prospect of some erasures from it if the editor can be induced to have a referendum of the question (which would be much more defensible than the political referendum some of us are shouting so loudly for just now) to the books of literature that can give us chart and compass and the sure and steady light whereby we may find the true course for just criticism. They are not, however, books written by authors who have merely looked out upon the world from the college window, but by those who have lived in close and sympathetic touch with the world, and have thus come to have a kindly and yet practical understanding of the "rule of reason" which should govern us in our judgments and conduct, quite as much as it does in the interpretation of statutes. There is no need

of quoting from such authors or even to call the long roll of their illustrious names. The reassuring voice of Horace still speaks for them all during these days of illogical extremes, in that inimitable Satire which pleads for discrimination in censure, with many a delightful variation of the theme:

> "Adsit,
> Regula, peccatis quæ pœnas irroget æquas
> Ne scutica dignum horribili sectere flagello."

In the event that this suggestion of a search for the judicial frame of mind be rejected by the editor, it might, after a fashion, serve the purpose if, before starting with the ominous scratch of his pen, he should consent to surrender himself to the spirit of such rollicking but subtle lines as those of Gilbert in "The Mikado," outlining some methods by which punishment may be made to fit the crime. Or, if neither alternative be acceptable, certainly recourse to the homely injunction of Jefferson—when angry, count ten; if very angry, a hundred—should be of some avail in allaying any exuberant editorial wrath.

Sometimes this very pronounced displeasure of the newspaper seems to be merely a form of survival of the obsolete stump oratory, which was usually regarded as a failure when the adversary was not well pommeled; and at other times it has only the justification that the person criticized may have been guilty of a venial mistake or shortcoming. The Autocrat of the Editorial Council high up above the earth is apparently unwilling on occasions to admit, as we who toil in the streets are not infrequently called upon to do, that the man of distinction in public and private life, as well as the man of business, has a balance-sheet with its debits as well as credits. When the balance is struck, condemnation should not follow merely because entries are found on the debit side, but the test should be whether the balance is on the wrong or on the right side. If on the right side, the man is honored, and if on the wrong side, he is classed with the unworthy; and it may also be added that much of existence becomes intolerable unless we are sufficiently rational to recognize that there is the saving grace of time and conduct, whereby we may interpret not only the former deeds of men, but their motives, which are so often elusive.

The impressive chapter and verse are not wanting with which to fortify the foregoing statements.

We have just passed through a very acrimonious controversy over the election of a United States Senator from New York. Without entering into any discussion as to the relative fitness of the two candidates, Mr. Sheehan and Mr. Shepard, it is quite safe to say that the incident presented a painful object-lesson of the newspaper criticism referred to. Each candidate was respected by his acquaintances, and any question as to the personal character of either ought in large measure to have been set at rest by the number and the character of the friendships he was permitted to enjoy, and the general regard in which he was held by the community. It was the good fortune of Mr. Shepard not only to escape criticism, but to be eulogized, though, as we shall be reminded in a moment, he had a wholly different experience a few years before. The respective qualifications of the two men were fairly presented by some of our newspapers; but, in others, the reiterated insistence upon the unfitness of Mr. Sheehan for the office to which he was legitimately seeking election came as a shock to his many friends, and to all who knew him. There seemed to be little or no limit to the hard usage to which he was subjected, though after the noise and excitement of the controversy subsided few could be found who were not of the opinion that it was unjust and indefensible. Naturally enough this was so, for " the very head and front of his offending " was that, in his early political career, he had, perhaps, been overzealous, not in his personal interest be it remembered, but in the service of his party, for which his attachment has always been an unselfish, passionate, untiring devotion, going so far on more than one occasion—even against the remonstrance of his intimate associates—as to make inroads upon his strength and health.

We have a more forcible illustration of the tendency referred to in Mr. Shepard's candidacy for the Mayoralty of the city of New York in 1901, which incurred the even greater hostility of the Press; for the newspapers themselves, in this instance, if not in so many words, yet by a complete change of front, have made acknowledgment of their error. There can be little or no serious claim that the treatment of Mr. Shepard was justified, since the same newspapers said one thing of him then and quite another when he was a candidate for the Senatorship and at the time of

his death, though admittedly he was in point of character and reputation in 1901 what he was in 1911. He had not meanwhile done anything, and had not been required to do anything, to bring about this reversal of opinion.

Nor was the tribute which the newspapers have just paid to his intellectual attainments and worth as a citizen traceable to any extravagance of statement or to the charity which, in our judgment of men, we so generously display at their death, for it was the counterpart of the eulogies printed during the Senatorial contest, and was as merited as it was spontaneous. Nevertheless, in this discriminating estimate of his life, there is but slight if any disapproval of his course in 1901, though then, by reason of it, he was not only charged, among other offenses, with unpardonable inconsistency and with equivocation and even insincerity, but was characterized as one quite willing to barter repute and principle for political office. The language of vituperation appeared at times to be almost exhausted as the lash was applied, and it seems incredible that the words quoted below, when read in conjunction with the newspaper columns during the past few months, were ever published; and it all came about because the acceptance of the nomination and his method of discussion of the issues were frowned upon. As a consequence Mr. Low, his opponent, was elected, and Mr. Shepard came out of the campaign overwhelmed by denunciation and discredited by defeat.

That the question was fairly debatable whether it was judicious for Mr. Shepard to accept a nomination from Tammany Hall, which only a few years before he had bitterly denounced as a " foul blot " upon our municipal history and government, and that he may have attempted to deal in a too tactful way with some of the issues of that campaign, we may, at least for the sake of argument, be prepared to concede. All that is now urged is that his course, if it was a mistake, called for criticism, not abuse. Undoubtedly he had meanwhile experienced no change of heart as to that organization. With all his professional honors he clearly was not so intent on being Mayor of the city of New York as to be willing to forfeit his self-respect for the greed of public office; and no right-minded person can permit himself for a moment to believe that his administration, if he had been elected, would not have conformed to his superior standards of principle and conduct. Mr. Tilden

was the scourge of Tammany Hall, but he did not spurn its aid in securing a nomination or an election to a high office, nor did he as a candidate devote his time to a discussion of its shortcomings. The same is true of Mr. Cleveland and of other distinguished men whom we all have in mind. Mr. Shepard was willing to pass over in silence some of the issues of the campaign, believing, undoubtedly, that his election would place him in a position where he could, once and for all, put an end to those party abuses which must have been quite as apparent and repugnant to him as to any newspaper critic. It may well be that this was the controlling consideration which induced him to be a candidate. The editor knows, as do the rest of us in the world, that the man of distinguished ability and strong character is often in a position where he is unable, in season and out of season, to express his convictions from the house-tops without running the risk that, at times, his utterances may be ill advised. This does not presuppose hypocrisy; on the contrary, it presupposes every-day prudence and is to be commended.

Let us, nevertheless, for a moment consent to go so far as to be in accord with the implacable, Rhadamantine judges—and there are more than three of them in this world—who insist that Mr. Shepard, under the then existing conditions, did commit a mistake in seeking or receiving a nomination from Tammany Hall. Let us go still further, and journey all the way from modern-day New York to Utopia, and while temporarily there agree with Plato, that a city will be best administered by men with such appreciation of the responsibilities of governments as to be averse to accepting office. Life, however, is not wholly made up of uncompromising, uncharitable conclusions or of philosophers' abstractions, and the time will surely come when the saving common sense, of which Tennyson speaks, will persuade us to leave these judges to the enjoyment of their judgments, and to make the journey back from Utopia—for we cannot always live there—to this earth, which, despite the poet, does bear a balsam for mistakes. Nor can we better commemorate our home-coming with readjusted perception, than by reading in the company of the humane and genial spirit of Horace, out of the Satire quoted from, the further comforting and sane suggestion that reason should establish one guilt for the trespasser who, in another's garden, breaks

a cabbage stalk, and quite a different sort for him who, in the night, makes off with the sacred vessels of the gods.

It is not possible, in the space of a magazine article, to refer to all the editorials published in October and November, 1901, tending to establish the injustice to Mr. Shepard; but, almost at random, selections are made from four of the representative newspapers of this city, together with their recent expressions concerning the fine example of his life. Even those newspapers which it may, perhaps, with some reason, be claimed did not go beyond the province of legitimate criticism, nevertheless used words in which there was a good deal of the crack and cut of the lash; but ingenuity would soon exhaust itself in any attempt to justify the following editorials.

One newspaper, under the heading "The Unartful Dodger," printed the following:

"What a clumsy dodger the man is, and how utterly destitute of shame."

Again it stated:

". . . What a shameless Shepard he is! Just how shameless was not revealed till Mr. Philbin spoke for the first time in this campaign and showed us what he had been fighting, and what he had had to contend with.

. . . . . .

"And what, pray, are you, Mr. Shepard? Are you an honor to us in the eyes of the civilized world? What are you drawing your 'flaming sword' in defense of? What are you dodging and trimming and falsifying and sneering in the hope of accomplishing? You know. You cannot deceive yourself, no matter how much you may deceive others."

In the same newspaper there was an editorial attempted to be so worded as to justify its title, "A Political Rake's Progress."

On still another occasion it said:

"Shepard might have succeeded better in his rôle of screen for Crokerism had not Justice Jerome appeared in the field. That made the contrast between a man who was 'not afraid' and a man who was, between a fearless man and a dodger, so clear that all men saw it. The braver and franker Jerome has been, the more despicable have Shepard's daily wriggling and dodging and hair-splitting appeared. It is no new revelation that the American people like courage in a public man. Neither is it a new revelation that all mankind detests a sneak. . . ."

The following quotation from the same source has a bearing upon the subject-matter of this article, not alone for its treatment of Mr. Shepard, but for its reference to Mr. Dayton, who, at that time, was a lawyer of position in the community, and who later became a worthy judge:

". . . Every man who respects manliness and honor in his fellow-men rejoices to-day over the defeat of Charles W. Dayton for this Bench. Next to Shepard he is the most odious figure in the campaign. . . . Like Shepard, he sold himself for a price, and the price is found to be worse than worthless. . . ."

At the time of Mr. Shepard's death the newspaper had this to say:

"New York has lost a good citizen by the untimely death of Edward M. Shepard at the comparatively early age of sixty-one, and the local democracy is minus a member it could ill afford to spare. Mr. Shepard was one of the few Democrats left in this region whose opinions received, and deserved, respectful attention, irrespective of party or politics. His political career was governed by personal convictions rather than blind party fealty. He was of too high a type to be popular with the local party leaders. If fate had cast his part on some other and less frankly commercial Democratic stage he would probably have attained high political distinction."

Another newspaper asserted:

"Low speeches in this campaign are straight and strong. Shepard speeches are sly and slinking."

A further editorial is entitled, "A Shifty Shepard."

Still another editorial in the same newspaper, "The Shepard of Shalott," has this:

". . . Was ever man so fated to trip himself on his own moral standards and condemn himself out of his own mouth? . . . Since he grew 'half sick of shadows' in political exile, and looked away from wearing the fabric of reform to long for the pleasure and power of the Tammany world, he seems bewitched. The evil influence of Crokerism overwhelms him. His own handiwork flies from its place to vex him. He is tangled in the threads of his own spinning. The web of his own political declarations enmeshes him. The rope of his own logic ties him down. The glass in which he once saw moral issues clearly lies shattered. The old Shepard is no more.

"'Out flew the web and floated wide,
The mirror cracked from side to side.
The curse is come upon me, cried
The Lady of Shalott.'"

Again in the same newspaper there is an editorial not inaply entitled, "Plain Words."

". . . Is the mantle of charity broad enough to cover even such a monstrous departure from the truth as Mr. Shepard has made in this instance? We are still anxious to think so. But we must tell Mr. Shepard plainly that no man who honestly believes what he urged all to believe four years ago considers it in the slightest degree unfair or indecorous to declare an utter contempt for his present course. . . . We have his own authority for declaring that his candidacy is a personal degradation and a public affront."

Yet this newspaper has just printed this:

"Mr. Shepard would have served the public better in the field of politics if he had been able to look at things more simply and directly. Yet he was of service, for his ideals were high and generous and he was ever ready to contribute according to his power to the promotion of good causes and to the alleviation of the evils of our economic and social order. As a good citizen, he will be remembered, and missed."

Another newspaper said: "Because he does not do this" (pledge himself to put Murphy and Devery out of office), "and will not under any compulsion, Mr. Shepard's sincerity is questioned day by day. Yet he insists that he is talking to the people with perfect frankness." His attitude on this Devery question was said, in an earlier part of the same editorial, to be "juggling and not at all skilful juggling."

This newspaper, in an editorial characterized by uncompromising indignation and biting satire, expressed the view that if Hercules had been the like of Mr. Shepard, the Augean stables would have remained foul and unclean and a stench in the nostrils of the ancients. Again it spoke of the "delusive pretenses" of the Shepard campaign and added: "The political ruin of its leader, whatever the result of the election, seems clear."

The same newspaper, in the course of a long editorial, full of a keen appreciation of his life, said:

"Apart from the difficulties his high standard made for him in political life, it may be that Mr. Shepard's intensity of conviction and habitual rigidity of conscience led him to hold secondary and compromisable opinions too firmly for success in dealing with the general run of political workers, even those in sympathy with his ends. But there was no limit to the confidence he inspired in his fidelity and unselfishness, in his courage and enlightened patriotism, national and municipal. He was one of the most trusted and active workers and leaders in civil-service reform. . . . The personality of Mr. Shepard was exceedingly winning. His tastes were refined, his culture was broad and fine. . . . His death is a most serious loss to his city and his country, and a very mournful one to those whose privilege it was to know his noble nature in the intimacy of personal friendship."

Another newspaper offered Mr. Shepard the alternative of having the public disbelieve his intellectuality or "his desire for righteousness," and evinced a strong disposition to cast its vote for his intellectuality.

All doubts on the subject, however, were promptly resolved, for the same newspaper declared:

"If you were a man who lived on the price of a woman's shame you would have no doubt as to how to vote next Tuesday, or as to whether you would vote at all. You would vote, and vote for Edward Morse Shepard.

"If you were one who kept a misnamed hotel into which Stanton Street 'cadets' tempted to their ruin the daughters of poor men and women who had but little in their homes of anything but dreariness and drudgery, you would have no doubt as to how you would vote. It would never occur to you to do anything for pleasure or for profit on election day before you had cast your vote for Edward Morse Shepard.

"If you kept a 'fence' you would see to it that every bookkeeper and clerk in your employ voted early on election day, and that he voted for Edward Morse Shepard.

"If you made your living by running crooked roulette wheels or fixed faro boxes, or by manufacturing those precious articles of commerce, you would feel yourself remiss in your best interests if you did not vote for Edward Morse Shepard."

And again it said:

"One of the happy results of yesterday's election is the enforced retirement from politics of Mr. Edward M. Shepard, of Brooklyn. He can never again pose as a character of lofty 'ideals,' deserving of confidence because of his superior moral elevation, and the period of his usefulness to Tammany or for any political purpose is brought to an end.

"After having advertised himself for years as a peculiarly exalted type of 'reformer' whose specialty was horror of the iniquity of Tammany government, Shepard sold out to Tammany the moment it offered him his price in a nomination as the head of its ticket in a campaign where honest popular sentiment was struggling for its overthrow. That was the time chosen by Shepard to desert from the opposition to Tammany and enter into the service of the enemy he had pretended so long to hate and loathe.

"A very miserable, a very contemptible character Edward M. Shepard has proved himself to be, and he will not be missed in the field of politics from which popular revulsion has now retired him. Not even Tammany is a mourner at his political grave. It sheds no tears as it sees its worthless tool buried out of sight and out of memory."

The following from the same newspaper which published the two editorials last quoted would seem to be a suggestive end to these quotations:

"In Edward M. Shepard this city loses a man who through many years had served it in a variety of ways, with a distinction that was constant and a loyalty that was invariable.

"In the public life of the city and the State, in the political activities of the party of which he was a distinguished member, in that profession in which he attained conspicuous eminence, Mr. Shepard was high-minded, honorable, and unselfish.

"To those rare abilities which showed themselves in a wide range of contemporary and active endeavor, Mr. Shepard joined the attainments and the spirit of the scholar, and wrote with authority of the political history of the State and the nation.

"The measure of Mr. Shepard's services and reputation is far wider than this city, but within its limits his loyal and unselfish efforts earned for him the gratitude, the respect, and the admiration of his fellow-citizens."

Mr. Shepard never attained, or claimed to have attained,

to perfection, but, as these later editorials so eloquently bear witness, his life rose to a high level of accomplishment and sterling quality; he did his duty as a man and a citizen; he was generous in the giving of his ability for the best interests of the community in which he lived and was so justly honored; he held in the main true to the highest ideals, and from any reasonable point of view no one act of his, though it might have been regarded as a mistake, should have furnished the occasion for these utterances. Nor ought we to be able to read them without the sincere hope that such arraignments of men of unimpeachable character—which would be inconceivable on the part of the Press of London—may not, for want of a protest, ever come to be regarded here as having the authority of an accepted precedent.

We need not dwell overmuch on any attempted defense of the course pursued, for at best it would be only some kind of explanation which might perhaps be pleaded in mitigation, but certainly not in justification, of what was done. That the words used must have cut like a knife and stunned like a bludgeon is only too apparent. Fortunately, it was vouchsafed to Mr. Shepard, with his sensitive nature, to live long enough to see, during the Senatorial contest and at other times, a wholly different attitude of the Press toward him, and to have the satisfaction of knowing that, in the end, the esteem of all self-respecting men is the sure reward of a pure life and an honorable career; but the cruel and ugly wounds that had been made must have left scars for him to carry to the grave.

Then, too, the whole subject has a far-reaching significance quite apart from its relation to the individual primarily affected, for it is such episodes as these that lend weight to the otherwise frivolous views we so often hear expressed as to the unfairness and injustice of the newspaper of to-day; and it would be something little short of a calamity if any such opinion were generally entertained by thoughtful people.

For the Press of this country, on the whole, is neither unjust nor unfair, but is the most potent single agency we have for good, directing its vast and ever-widening influence in the interest of a better observance of law and order and for the promotion of a more responsive citizenship; it has escaped from the clutches of the political creed and party

and is in the best sense independent; it has a stanch courage and is entitled to the outpost of responsibility it occupies as the incorruptible sentinel to warn us of threatening peril; it takes vice by the throat with a rough hand and gives no quarter to wrong-doing; it is intolerant of sham, and does yeoman's service in exposing hypocrisy in the stocks to the contemptuous gaze; it is subservient to no interest and wears the yoke of no master; it seeks not only to prevent the science of economics from reaching a development that may operate to grind human beings as well as inanimate matter, but also to hold open the door of industrial opportunity, through which all may pass; and, more important than all, it is doing as much as is the pulpit to lift men up above the sordid things of life so that, on the extended horizon, there may be seen the vision, without which, in the language of the proverb of Scripture, the people perish.

And for the very reason that the Press holds steadfast to these articles of faith and is doing these great deeds, the judicious, even though they have no other recourse, may at least grieve when it fails to be true to the highest standards of impartiality and temperance in its judgment of men and of events.

JOSEPH S. AUERBACH.

ASPECTS OF PUBLIC OWNERSHIP

BY SYDNEY BROOKS

IV

In the previous articles in this series I have endeavored to establish certain points that may now be summarized with advantage to the clearness of the general argument. The first was that there is nothing creditable or derogatory in a more or a less acceptance of public ownership; that some of the most backward as well as some of the most advanced countries in the world have nationalized or municipalized a variety of public services that other nations, equally low and equally high in the scale of civilization and of prosperity, have preferred to leave in private hands; and that though the spirit and tendency of the times seem to point to an increasing expansion of State and municipal activities, the movement as yet is too young to enable one to prophesy its permanence or to claim it as a necessary element of progress. It is just as likely to lead to bankruptcy as to the paradise of the Socialists, and to a sustained reaction as to the extinction or supersession of the capitalistic system. No one who opposes it or is out of sympathy with it need fear the taunt with which he is sure to be assailed that he is withstanding "Destiny" or "Progress." No one who advocates it either as a general policy or in particular instances need waste more than a contemptuous smile on the reproach that he is thereby undermining the foundations either of society or of industry. The entrance of public authorities into the field of commercial enterprise is too recent a phenomenon, and its ascertained effects are too meager and contradictory to make it a suitable peg for such spacious generations as these. The more, indeed, we free ourselves from loose and grandiose abstractions about the evolution of our industrial and social systems the more

likely are we to strike a just mean in our judgment of the problems of public ownership.

Another point for which I have pleaded is that in the absence of any universal guiding principle each case of public ownership, each proposal to take a given utility under public control and management, must be tested on its merits, with an exclusive regard to all the local conditions that are likely to affect the project, and with no reliance on what other States or cities may have done or failed to do in circumstances which, however similar in appearance, can never be the same in reality. Every one remembers how, when Chicago in 1905 declared in favor of the municipalization of the street railways, the Mayor-elect invited Mr. Dalrymple, the manager of the Glasgow municipal tramways, to confer with him on the situation; how Mr. Dalrymple landed in the United States an ardent advocate of public ownership; how a few weeks in Chicago were enough to convince him that he had failed to allow for the utter dissimilarity of local conditions; and how he returned home saying in effect that Glasgow's meat would be Chicago's poison. That incident merely illustrated in a highly striking and personal form the conclusion to which every student of the general question finds himself irresistibly impelled—the conclusion that analogies drawn from one city to another, particularly when they are situated in different countries, and even from one public utility to another, are worthless, and worse than worthless.

A third contention, and a very important one, which these articles have sought to uphold is that the alternative is not, as it is commonly stated to be, between public ownership and the present system of private ownership, but between public ownership and an attainably better system of private ownership than now, generally speaking, obtains. The demand for the nationalization or the municipalization of the public utilities has many aspects. In part it is an extension of the same process of economic evolution which has given us already the big store and the monopolistic trust; in part it is a branch of a deliberate policy for transforming society by eliminating capitalism or by restricting it to spheres where it cannot clash with the larger public interests; in part also it represents the normal ambitions of every elected body to add to its powers and opportunities—ambitions that in an industrial age are bound to take on an increasingly industrial form. But above everything else, the cry for pub-

lic ownership is the outcome of the inadequacies, the friction, and in certain countries the corruption, of private enterprise in its relation to civic or national services. That is one of the central facts of the situation which can neither be ignored nor evaded. Either, as in Great Britain, private enterprise is roundly declared to be not enterprising enough for modern public needs, or, as in the United States, where its technical efficiency is less sharply challenged, it is accused of contaminating civic life and of disregarding or overriding the interests of the community for the sake of dividends. In either case, and whether their failings are mainly on the business or the moral side, it is the conduct of the corporations themselves that has given the chief point and stimulus to the agitation for public ownership. Dissatisfied with the abuses and shortcomings of the one system, people have rushed to embrace its precise opposite, believing that reform could only be effected by revolution, and heedless of the yet greater evils that revolution in its turn might bring upon them. As against this policy I have tried to show that the better way is not the banishment of private enterprise from the public-service field, but its stricter and more sensible regulation, and that half the case for municipal intervention in competitive trading would fall to the ground if corporations, while losing nothing of their efficiency and initiative as business organizations, were compelled to observe a more alert and constant regard for the interests of the community. The form this compulsion might take was outlined, and something more than outlined, in the second article of this series; and though the scheme there suggested may doubtless be criticized with much effect, its underlying contention—that it is possible so to regulate private ownership and management of the public services as to safeguard every right of the community and at the same time preserve the advantages of individual enterprise and the incentive of gain—is in my view very near the heart of the whole controversy.

A further point that it has been sought to develop is the difficulty of instituting any comparison between the financial results of municipal and of joint-stock-company trading. The difficulty arises from the fact that a municipality and a corporation must mentally regard any given undertaking from different points of view, the latter thinking mainly of its shareholders and dividends, and the former of the advan-

tages, which may be financial but are more likely to be social or sanitary, accruing to the community as a whole. Everybody agrees that there are certain enterprises which ought to be managed by the local authority as efficiently and economically, of course, as possible, but without any hope of profit. In the preceding article I dwelt on this point at some length, thus partially conceding one of the positions which the advocates of public ownership have always taken up—namely, that there are cases in which the communal operation of a public service cannot be rightly assessed by the ordinary test of a commercial audit. At the same time, I brought a variety of *a priori* arguments against another and equally favorite position of theirs—namely, that municipalities are better qualified to make a business success of their undertakings than are corporations. This contention was strongly assailed in the last article. If we assume that it was successfully assailed and that as a general rule local authorities are likely to be less careful, less provident, less business-like than ordinary boards of directors, and if we bear in mind the admission that a municipality at times is justified in incurring a monetary loss for the sake of some greater public gain, then the question we are clearly confronted with is this: Can any line be drawn between those enterprises that should be in public hands and those that should not? Is there any principle that can be laid down for guidance, or any formula at once explicit and comprehensive enough to serve as a touchstone in all emergencies?

The answer is that no such simple solution of the difficulty has been, or probably ever will be, arrived at. But there are certain considerations which when taken together may serve as something more than makeshift direction-posts. The most earnest advocates of public ownership, for instance, admit that a municipality is not justified in attempting to meet any demand which is not sufficiently extensive and constant to keep the necessary plant fully employed. The most ardent opponents of public ownership, on the other hand, admit that in the case of many utilities the balance of advantages points to their municipalization. Thus practically no one objects to seeing sewerage systems, markets, water-works, baths, cemeteries, and slaughter-houses in public hands, while a very strong case, as a rule, can be made out for turning over harbors and docks to the management of the local authorities. In all these cases where municipal-

ization is generally held to be necessary, it appears, says Major Leonard Darwin, that there are three conditions usually fulfilled. (1) "The enterprise is one which would be a complete monopoly were it in private hands." (2) "The services rendered are of great importance to the community at large." (3) "The fair price to be paid for the work performed is not readily estimated in advance." When an undertaking fulfils these three conditions the argument for bringing it under public ownership, with or without public operation, is so strong as to be practically overwhelming. Every absolute and irreplaceable monopoly supplying a community with some essential utility on terms that cannot be regulated beforehand is *ipso facto* a fit subject for municipalization.

It is rather, however, over those enterprises that tend to become monopolies and that present no insuperable difficulties of public supervision and control—such as gas-works, electric lighting, street-cars, and telephones—that the battle for and against municipalization has chiefly raged. And here the example and experiences of Great Britain are of the first value and importance. No country in the world has plunged so heavily into the policy of municipal trading and none shows its good effects and its bad effects more plainly. The local debt of the United Kingdom at this moment amounts to over $3,000,000,000; the capital sunk in reproductive undertakings considerably exceeds $1,500,000,000; and the average per capita debt of the eighteen leading British cities is some $114, or nearly three times as much as the average per capita debt of the eighteen principal cities in the United States. It is to Great Britain that the advocates of public ownership look to vindicate their ideas; it is from Great Britain that they draw their inspiration; and it is British example that they constantly hold up as a pattern for other nations. A study, therefore, of the general results produced in Great Britain by municipal trading on a large scale ought to be illuminating. But here again it is necessary to enter a caveat against the fallacy of arguing by analogies. It is necessary, for instance, to remember that Great Britain has evolved a high standard of civic purity; that practically there is no such thing as the spoils system in British municipal life; that the tradition of voluntary public service, while it is losing something of its old power, is still a vital force among the better elements

of the community; that municipal government throughout Great Britain has long since assumed a settled and stable form; and that countries which lack these advantages are fatally handicapped in the attempt to reproduce an experiment which owes such success as it has achieved in Great Britain to a unique combination of circumstances and which, if and so far as it has failed in Great Britain, is likely to be far more disastrous under other and less fortunate conditions.

There is a further fallacy that must be guarded against with equal vigilance, and that is the fallacy of seizing upon one particular town or one particular industry and arguing from it as to the universal beneficence or injuriousness of municipalization. Isolated instances in so complex a matter are of little real value, and we can only draw sound conclusions from the British experiments in public ownership if we treat them more or less in bulk and strike a dispassionate average after a survey of all the facts. Municipal trading, like any other political phenomenon, must be judged as a whole; its failures must be set against its successes; and the device of concentrating upon local and exceptional cases, whether by way of eulogy or of warning, ought to be ruled out of court. It is the more necessary to insist upon this because few subjects lend themselves so readily to the hasty, specious, *ex parte* assertions that are the worst enemies of truth. Major Leonard Darwin has taken what is unquestionably the better way when in attempting to arrive at the financial results of public ownership in Great Britain he likens the whole municipal industry of the country to a large industrial corporation. Analyzing its balance-sheet with masterly precision, he finds that public ownership in Great Britain earns profits that amount to 3.8 per cent. on the total capital provided if unremunerative works, such as cemeteries and public baths, are included, and to 4 per cent. if they are excluded. But these profits, meager as they are, are subject to a considerable discount. In the first place, provision has to be made out of them for paying interest on the loans and for maintaining a sinking fund; and when these charges have been satisfied the balance that is left over and that may be devoted to the relief of local taxation is less than one-tenth of the gross profits and represents at most four-tenths per cent. on the total capital. It is true that as time goes on and the debts are

liquidated the city treasury will get the benefit of a considerably larger proportion of the gross profits. But it will never get the whole of them. British municipalities, rightly or wrongly—and the point is one that admits of argument—make at present a deliberately inadequate provision for depreciation, leaving it to the future to furnish either from the profits or from further loans the outlay that will become necessary for the renewal or improvement of their industrial plant. Apart, moreover, from the capital expenditure which will thus have to be met, there are several reasons for doubting whether municipalities will be able to raise money as cheaply in the future as in the past, and whether their profits from their undertakings will not tend to diminish. Even, therefore, if we accept four per cent. as the present gross returns on the policy of public ownership, and look forward to the day when the liabilities incurred in contracting the loans have been extinguished, the municipal exchequer will certainly not be able to possess itself of more than a portion of the profits.

But can one, as a matter of fact, accept the figures contained in municipal balance-sheets at their face value? Can one rely on the profit of four per cent. which they disclose as a trustworthy index to the real situation? The question is a very necessary one, and it leads to the heart of the impassioned controversy over the ways and methods of municipal accounting. Those ways and methods are such that it is practically impossible to discover the true financial position of any municipal undertaking or to obtain the comprehensive and detailed information that would make a comparison between public and private management both practicable and instructive. Thus, generally speaking, the amount allotted to the depreciation account of municipal enterprises is less than one-eighth per cent. on the total capital. Thus, too, municipal committees in control of the local street-car service are apt to charge the expenses of street widening, not to the specific undertaking which has necessitated them, but to the general account. "A case in point," writes Mr. Robert P. Porter in his spirited volume on *The Dangers of Municipal Trading,* "is Liverpool. At the end of last year (1905) the local debt had been increased by over £1,000,000 for street widenings made on account of the municipal tramways, but when it was proposed to charge the tramway undertaking with a moiety

of the expense the motion was defeated. . . . Another municipality boasted of large street-railway profits. Steps were taken to examine the accounts, and it was found that £300,000 had been charged to the Public Works Committee of this municipality for street widening necessitated entirely by the installation of street railways. . . . The London County Council, however, have gone much further than this. Their tramway extensions necessitated extensive street improvements costing some millions sterling, only a tithe of the sum spent on which has been allowed to appear in the tramways' account, the other nine-tenths falling on the taxes. This easy method of relieving the capital expenditure of a municipal undertaking became revealed by the publication of a report wrung from the Council by the Moderate party in order that some light might be thrown upon the remarkable absence from the tramways' account of considerable capital expenditure made solely on account of the tramways. It was ascertained to be no less than £4,044,844, of which only £377,260 was debited to the tramway undertaking. The people of London were saddled with the rest." In the same way the committees responsible for these and similar enterprises rarely remember to saddle their accounts with any share of the expense of maintaining the official staff of the municipality, though with every fresh outburst of municipalization the staff has to be increased in number or its members have to receive a higher salary. They forget, again, as a rule, to debit their undertakings with office and clerical expenses, whereas the balance-sheet of every private corporation includes as a matter of course the cost of renting premises, of employing legal advice, and of maintaining its staff of clerks. Similarly there is very good ground for believing that the plants and property owned by municipalities in connection with their trading ventures are assessed much more leniently than if they were in private hands; just as municipalities that supply their own electric light are apt to swell their "profits" by charging a disproportionately high rate for lighting the streets and municipal offices.

All these peculiarities of municipal bookkeeping have to be taken into account; and their cumulative effect is undoubtedly to raise a suspicion that the estimated profit of four per cent. is to some extent, and probably to a considerable extent, fictitious. But there remains a far heavier deduction to be made from it than any I have so far enumer-

ated. Every municipality that purchases a public utility from its private owners, besides being obliged to raise a loan to complete the purchase, to pay interest on the money thus borrowed, and to set aside an annual sum out of the profits by way of a sinking fund, also surrenders the rental which the private owners had agreed to pay into the city exchequer. This is a consideration which, though constantly overlooked, and especially by the advocates of municipal ownership, is really vital. To trace its many and varied consequences and implications would take one far beyond the scope of these articles. But I may, perhaps, be allowed to summarize the conclusions to which I have been led by a study of all, or nearly all, the available evidence. The first is that there is no street-car service, no gas or electric lighting plant, and no telephone system at present owned and operated by a British municipality that would not bring in larger net profits to the local exchequer if its conduct and management were leased to a private corporation. The second is that if both the ownership and the operation of these utilities had remained with or were handed over to private corporations, under a proper system of regulation, the local exchequers would be the gainers by a considerably larger sum than they now derive from the policy of municipalization or than they would derive from municipal ownership without municipal operation. In other words, from the standpoint of financial advantage to the municipal treasury and from the standpoint of relieving local taxation, the best system is that of private ownership and operation of the public services under due control and supervision of the local authority; the next best system is that of municipal ownership with the actual management and working of the undertaking leased to a corporation; and the worst and least profitable system is that of municipal ownership combined with municipal operation.

If the day should ever come when British municipalities would find themselves free from debt on account of their trading ventures, in possession of a series of monopolies not one of which was imperiled by internal improvements or external competition, and able, therefore, to devote most of their gross profits to the relief of taxation, these conclusions might, no doubt, have to be revised. But until that day comes I believe them to be founded on fact and reason. For the present, at any rate, and in spite of all the figures

that are flourished before us of Manchester's success with her gas-works, and Glasgow's with her street-cars, it remains extremely doubtful whether British municipalities as a whole are not actually losing money instead of making it on their municipal enterprises, and whether their alleged gross profit of four per cent. is not wiped out altogether by the interest on the loans, by the provision for the sinking fund, by the subtraction of the various bookkeeping artifices which have served to bolster it up, and by the necessity of setting against it the rentals from private corporations that were surrendered when municipalization was resorted to. "English statistics," says one of their most careful and well-equipped students, Major Leonard Darwin, "do not disprove, and may, it appears to me, be quoted as giving some support to the view which I hold—namely, that English cities have increased the immediate burden of taxation by their municipal ventures by over one per cent. on the capital sunk therein." And as the sinking funds which British municipalities are compelled to find for the redemption of their industrial debts also amount to a little over one per cent. on the total capital, he concludes that "every penny which English cities have invested in industrial ventures has been raised by taxation which would not have been raised had the industries in question not been municipalized. The profits which will eventually be made out of municipal industries consist, therefore, of nothing but the interest on the invested savings of the people: an interest which each individual might have obtained for himself had the money not been drawn from him by taxation. If this be a correct view of the situation, it seems fair to conclude that England, if she is not losing, is gaining nothing whatever by her municipal enterprises."

It appears from all this to be a moderately reasonable inference that, if British experience may be taken as a guide, the hope of any appreciable relief to local taxation or of any appreciable addition to local revenues as the result of municipal trading is not likely to be realized. But it must not be forgotten that the friends of public ownership quite legitimately refuse to be tied down exclusively to the test of finance, and that they insist that even if the ratepayer may not benefit much in pocket by the municipalization of the public services, he benefits as a consumer by the lowered cost and improved quality of the services thus placed at his dis-

posal. One of the commonest methods, indeed, of carrying on this controversy is to publish deadly parallel columns of the prices charged for gas or electric light or street-car fares by municipalities and by corporations respectively. Nothing could be more natural than such a method and nothing more essentially unfair, for to make such comparisons really valuable it would be necessary to consider a vast variety of factors that are usually ignored—the cost of raw material and of labor in the different cities under question, the size of the population and of the territory served by the municipality on the one hand and by the corporation with which it is compared on the other, the terms and nature of the corporation's franchise, the return it had pledged itself to make to the city treasury in the form of rental, and so on. It is impossible to reduce all these factors to any common denominator; the data does not exist to enable one to draw a scientific and exhaustive comparison, or indeed any comparison at all that is not wholly casual and restricted. At the same time, the probability is that if all the necessary data could be collected and examined, municipal trading in Great Britain would show a certain small advantage over private corporations in the matter of the cost of the services supplied, but would not show any corresponding advantage in point of quality. Those, however, are assumptions which, whether reasonable or otherwise, can neither be proved nor disproved. Meanwhile what appears to be certain from a study of British experiences is that municipal enterprise always leads to an immediate increase of taxation; that its other financial results, whether good or ill, are at present so indefinite as to be almost negligible; and that the many and varied abuses of a political and economic character which it entails cannot, therefore, be condoned on the plea of its commercial success.

SYDNEY BROOKS.

(To be Continued)

THE STONES OF GAFSA

BY NORMAN DOUGLAS

I CANNOT think what has induced me to stay so long at this oasis of Gafsa, in the bleak uplands of southern Tunisia. There are many drawbacks to the place—chiefest of all, the intense cold at this season (January). And not far away are the sunny and low-lying palm groves of the Djerid, Tozeur, and Nefta, the destination of my voyage, as originally planned out. Yet here I am, held fast by some unaccountable spell. It must be those fascinating pre-historic flints. . . .

There is a low hill near the town, marked Meda hill on the map. Thither, after settling my concerns at the hotel, I swiftly bent my steps on the evening of my arrival, but came too late for the sunset; the colors had already faded out of things terrestrial; only overhead the play of blue and green and rose went on, freezing slowly to pale indigo. It was light enough, however, to see the configuration of the country; to realize the significance of this speck of culture in the waste, its strategic value: Gafsa is a veritable key of the Sahara. Barren mountains rise up on all sides save the south; and there, where the two highest ranges converge from east to west and almost meet, where the broad stream of the Oued Baiesh has carved itself a channel through the opening—there, at the very narrowest point—sits the oasis. A tangle of palms that sweep southward in a radiant trail of green, the crenelated walls of the Kasbah fortress gleaming through the interstices of the foliage; the whole verdant vision swathed in an orange-tawny frame of desolation, of things non-human.

Darkness was descending and still I lingered, my only companion being a dark brown dog of the jackal type, who walked round me suspiciously and barked, or rather whined, without ceasing. At last I took up a stone and he ran away.

But the stone remained in my hand; I glanced at it and saw that it was an implement of worked flint. Here was a discovery! Who were these carvers of stones, the aboriginals of Gafsa? How lived they?

A prolonged and melodious whistle from the distant railway-station served to remind me of the gulf of ages that separates these men from the life of our day. . . . But as if to efface without delay that consoling impression my downward path led me past a dark cavern before which was lighted a fire that threw gleams into its recesses; there was a family crouching around it; they lived in the hollow rock. A high-piled heap of bones near at hand suggested cannibalistic practices.

These, then, are the primitives of Gafsa. And for how long, I wonder, has this convenient shelter been inhabited? From time immemorial, perhaps; ever since the days of those others. And, after all, how little have they changed in the intervening thousands of years! The wild-eyed young wench, with her disheveled hair, ferocious bangle-ornaments, tattooings, and nondescript blue rags open at the side and revealing charms well fitted to disquiet some robust savage—what has such a creature in common with the rest of us? Not even certain raptures, misdeemed primeval; hardly more than what falls to man and beast alike. On my appearance she rose up and eyed me unabashed, then sank to the ground again amid her uncouth and naked cubs; the rock, she said, was warmer than the black tents; they paid no rent; for the rest, her man would return forthwith. And while she still spoke there was a clattering of stones, and a herd of goats scrambled up and vanished within the opening. The partner was neither pleased nor displeased at seeing me there; every day he went to pasture his flock on the slope of the opposite hills, returning at nightfall; he tried to be civil, but failed for want of vocabulary. I gave him the salutation and passed on in the gloaming. . . .

The Kasbah is an interesting place. It is a Byzantine construction, covering a large expanse of ground and rebuilt by the French on theatrical lines, with decorative bastions and other warlike pomp; the old walls are smothered under a modern layer of plaster divided into square fields to imitate solid stone-work; it looks best in the moonlight, when this childish cardboard effect is toned down. Thousands of blocks of Roman masonry have been wrought

into those walls, as well as such a number of ancient inscriptions that a French traveler described the fortress as a "*musée épigraphique.*" Yes, this must be the attraction of Gafsa—those old stones lingering like ghosts among a people who have lost all memory of their meaning. There is no continuity of tradition here, as in countries like Greece, and this complete rupture of all links with the past, in the face of these speaking memorials, has a certain charm.

One of the two hot springs of Gafsa is inclosed within this Kasbah, while the other rises near at hand and flows into the celebrated baths—the *Termid*, as the natives, using an old Greek word, still call it. It is a large and deep stone basin half full of warm water, in which small fishes, snakes, and tortoises disport themselves; the massive engirdling walls demonstrate its Roman origin. Thick mists hang over the "termid" in the early mornings, when the air is chilly, but later on it becomes a lively place, full of laughter and splashings. Here for a sou you may get the boys to jump down from the parapet and wallow in the muddy ooze at the bottom; the water, though transparent, is not colorless, but of the blue-green tint of the aquamarine crystal. Above this basin is another one, that of the women, with an old Latin inscription running along one of its flanks; and below it, at the foot of a lurid staircase, a suite of subterranean (Roman) chambers, a kind of Turkish bath for men, where the water hurries darkly through; the place is reeking with a steamy heat and objectionable beyond words—it would not be easy to describe, in the language of polite society, those features in which it is most repulsive to civilized men.

How easily, as in former days, might now a health-giving wonder be created out of these waters of Gafsa that well up in a river of warmth and purity only to be hopelessly contaminated! The French tried the experiment, but the natives objected and they gave way; these are the spots on the sunny ideal of "pacific penetration." I am all for keeping up local color, even when it entails, as it generally does, a certain percentage of local smells; yet it seems a pity that such glorious hot springs, a gift of the gods in a climate like this, should be converted into a *cloaca maxima*, especially in Gafsa, which already boasts of a superfluity of open drains.

But my friend the magistrate showed me a special bath-

ing-room which has lately been built for the use of Europeans. We tried the door and found it locked.

Where was the key?

At the *Ponts et Chaussées.*

I promptly went there and discovered an elderly official of ample proportions dozing in a trim apartment—the chief of the staff. Great was this gentleman's condescension; he opened his eyes wide, bade me be seated, and inquired after my wants.

The key? The key of the "piscine"? He regretted he could give me no information as to its whereabouts, no information whatever; he had never so much as seen the key in question; perhaps it had been lost—perhaps it never existed. Several tourists, he added, had already come on the same quest as myself; he also on one occasion last year thought he would like to take a bath, but—what would you? There was no key! If I liked to bathe, I might go to the tank at the gardens of Sidi Ahmed Zarroung.

I gently insisted, pointing out that I did not care for a walk across the wind-swept desert only to dip myself into a pool of lukewarm and pestilentially sulphurous water. But "the key" was evidently a sore subject.

"There is no key, monsieur"; and he accompanied the words with a portentous negative nod that blended the solicitude of a trusted friend with the firmness of a Bismarck. This closed the discussion; with expressions of undying gratitude, and a few remarks as to the palpable advantages to be derived from keeping a public bathing-room permanently locked, I left him to his well-earned slumbers. . . .

This collecting of flint implements grows upon one at Gafsa: it is in the air. And I find that quite a number of persons have anticipated me in this amusement, and even written ponderous tomes upon the subject, as is generally the case when one thinks to have made a scientific discovery. These stones are scattered all over the plain and Monsieur Couillault has traced the site of several workshops—"*ateliers*"—of prehistoric weapons near Sidi Mansur, which lies within half a mile of Gafsa, whence he has extracted quantities of flints of every shape; among them some saws and a miniature spade.

My collection of these relics, casually picked up here and there, is already considerable, and illustrates every period of those early ages—uncouth battle-axes and spear-points;

fine needles, apparently used for sewing skins together; the so-called "laurel leaves" as thin as cardboard; knife-blades; instruments for scraping beast-hides—all of flint. What interests me most are certain round throwing-stones; a few are flat on both sides, but others, evidently the more popular shape, are flat below and rise to a cone above. Of these latter I have a series of various sizes; the largest are for men's hands, but there are smaller ones not more than eleven centimetres round for the use of children: one thinks of the fierce little hands that wielded them these many thousand years ago. Even now the natives will throw by preference with a stone of this disk-like shape, the cone pointing downward. But, to judge by the size of their implements, the hands of this pre-historic race can hardly have been as large as those of their modern descendants.

Then, as now, Gafsa must have been an important site; the number of these weapons is astonishing. Vast populations have drifted down the stream of time at this spot, leaving no name or mark behind them; nothing save these relics, fashioned, by the merest of chances, out of a practically imperishable material. Steel and copper would have rotted away long ago, and the stoutest marble palaces crumbled to dust under the teeth of the desert air.

The bed of the Oued Baiesh, which is nearly half a mile broad in some places, is rich in these worked flints that have been washed out of its steep banks by the floods. Walking here the other day with a miserable young Arab who, I verily believe, had attached himself to me out of sheer boredom (since he never asked for a *sou*), I observed in the distance a solitary individual, a European, pacing slowly along, as though wrapped in meditation: every now and then he bent down to the ground.

"That's a French gentleman from Gafsa. He collects those stones of yours all day long."

Another amateur, I thought.

"But not like yourself," he went on. "He picks them up, bad and good, and when they don't look nice he works at them with iron things. I've seen them. He makes very pretty stones, much prettier than yours. Then he sends them away."

"How do you know this?"

"I've looked in at his window."

A modern "*atelier*" of flints—this was an amusing reve-

lation. Perhaps—who knows?—half the museums of the world are stocked with these superior products.

Sages will be interested to learn that Professor Koken of Tübingen, in a learned pamphlet, lays it down that these flints of Gafsa belong to the Mesvinian, Strepyian, Præchellean—to say nothing of the Mousterian, Aurignacian, Solutrean, Magdalenian, and other types. So be it. He further says, what is more intelligible to the uninitiated, that a bed of hard conglomerate which crops up at Gafsa on either side of the Oued Baiesh has been raised in days of yore; it was raised so slowly that the river found time to carve itself a bed through it during the process of elevation; nevertheless, a certain class of these artificial implements, imbedded since God knows when, already formed part of this "natural" conglomerate ere it began to uplift itself. This gives one some idea of the abysm of time that lies between us and the skin-clad men who lived here in olden days.

An abysm of time. . . .

But I remembered the cave wench of the Meda hill. And my companion to-day was of the same grade—a characteristic semi-nomad boy of the poorest class; an orphan: of course (they are nearly all orphans), and quite abandoned. His whole vocabulary could not have exceeded 150 words; he had never heard of the Apostle of Allah or his sacred book; he did not know his own age; he could only run and throw stones and endure, like a beast, those ceaseless illnesses of which death alone—an early death, as a rule—is allowed to cure them. His clothing was an undershirt and the inevitable burnous, brown with dirt.

"What have you done to-day?" I asked him.

"Nothing."

"And yesterday?"

"Nothing. Why should I do anything?"

"Don't you *ever* wash?"

"I have nobody to wash me."

And so the last few days have passed. Every morning I make solemn preparations for my departure to Tozeur, where the sun, they say, still exhales a certain warmth. But I end in remaining here, despite the Siberian climate.

The glacial wind is less felt in the oasis, and the best time to visit this grove is by night, when the moon plays wonderful tricks of light and shadow with the over-arching foliage. The smooth sandy stretches at the outskirts of the gardens

shine like water at rest, on which the leaves of an occasional sparse tuft of palms are etched with a crystalline hardness of delineation. Such is the abundance of water, that these Gafsa plantations have a character different from others of this province; they are more artlessly furnished, with rough, park-like districts and a not unpleasing impression of riot and waste—waste in the midst of plenty. Then there is a delightful Theocritean bit of country, the temperate region at the tail-end of the grove. It reminds one of southern Calabria. Only olives grow here—seventy-five thousand of them. Besides their silvery-gray trunks you may see herds of the small but brightly tinted cattle reposing; the ground is pied with daisies and buttercups, oleanders border the streamlets, and the plaintive notes of the djouak, the pastoral reed of the nomads, resound from some hidden copse. It must be charming here in the springtime.

But do what he will, a man who has lived in the tropics becomes rather *blasé* in the matter of vegetation.

Besides, there are no flints to be found here.

Ah, Mr. Koken, Mr. Koken!—those light words of yours have borne a heavy fruit. I possess four hundred implements now, and they will double the weight of my luggage and ruin my starched shirts, especially those formidable "Praechellean" skull-cleavers. Perhaps it will be safest after all, to throw the whole collection away again, for I know exactly what the customs officer at Marseilles will say when he peeps into my bag: "*Tiens, des cailloux! Monsieur est botaniste?*" And then a crowd of people will assemble, to whom I must explain everything, with the result of being arrested for smuggling forbidden mining samples out of a French colony, and ending my days in some insanitary French prison.

Besides the oasis, there are other interesting walks in the neighborhood of Gafsa, but I can imagine nothing more curious than the town itself; a place of some five thousand inhabitants, about a thousand of whom are Jews, with a sprinkling of Italian trades-people and French officials and soldiers. Beyond naming its streets and putting up a few lamps, the government has left it in its Arab condition; the roadways are unpaved, the houses lean this way and that, and, being built of sun-dried earth-tinted brick, have an air of crumbling to pieces before one's very eyes. Everywhere are immense blocks of chiselled stone worked into the

ephemeral Arab clay as doorsteps or lintels, or lying about at random, or utilized as seats at the house-entrance; they date from Roman or earlier times—columns, too, some of them adorned with the lotus pattern, the majority unpretentious and solid.

What do the natives think of these relics of past civilizations? Do they ever wonder whence they came? "The stones are there," they will tell you. Yet the wiser among them will speak of *Ruman:* they have heard of *Ruman* moneys and antiquities.

Melkarth, hero of colonization, is said to have surrounded Gafsa with a wall, pierced by a hundred gates, whence its presumable name Hecatompylos, the city of a hundred gates. The Egyptians ruled it; then the Phoenicians, who called it Kafaz, the walled; and after the destruction of Carthage it became the retreat and treasure-house of Numidian Kings. Greeks, too, exercised a powerful influence upon the place, and all these civilized peoples had prepared Gafsa to appreciate the beneficent rule of the Romans. Then came Vandals and Byzantines, who gradually grew too weak to resist the floods of plundering Arab nomads; the rich merchants fled, their palaces fell to ruins, the town became a collection of mud huts inhabited by poor cultivators living in terror of the neighboring Hammama tribe of true Arabs, who actually forbade them to walk beyond the limits of the Jebel Assalah—a couple of miles distant. So the French found them in 1881.

The place, therefore, has gone through too many vicissitudes to be anything but a witches' cauldron of mixed races. Seldom one sees a handsome or characteristic face; they have not the wild solemnity of the desert folk, nor yet the etiolated, gentle graces of the Tunisian citizen class; much less the lily-like personal beauty of the blond Algerian Berbers. Apart from some men that display the features of the savage Neanderthal brood that lived here in pre-historic times, the only pure race-type that survives is of unquestionably Egyptian origin; no wonder, since Egyptian invasions of this region went on for five centuries, culminating in the extended sea-dominion of Thotmes III.

A bastard Greco-Latin was the language of the place up to the thirteenth century A.D.

This confusion of blood has done one thing for them—it has given them an uncommon laxity in religious matters.

They are the least bigoted Orientals one could wish to meet; only fifteen in a hundred, perhaps even less, perform the devotions prescribed by the prophet. And it is part of their charming heterodoxy to be dog-eaters. They will catch and devour each others' dogs; they even breed them for the market, though they dare not expose the meat publicly, any more than that of swine, which they eat with relish.

Gafsa lies high, and I ask myself whether its fierce shiftings of temperature, its nocturnal radiation that splits the very rocks and renders life impossible for many plants (outside the cultivated zone, which equalizes these extremes) —whether all this has not had a numbing and stupefying influence on the character of the inhabitants. Would not a man, under such perennial vexations, end in bowing his head and letting things take their course?

That witchery of Orientalism, with its immemorial customs, its wondrous hues of earth and sky—it exists, chiefly, for the delectation of hyperborean dreamers. The desert life and those many-tinted, moldering cities have their attraction, but the misery at many hundred intermediate places like Gafsa is too great, too irremediable, to be otherwise than an eyesore. They have not solved the problem of the simple life, these shivering, blear-eyed folk. Their daily routine is the height of discomfort; they are forever ailing in health; they die like flies. Naturally enough; for it is not too much to say, of the poorer classes, that they eat dirt, and that only once a day.

But if fortune smiles, they will gorge like Eskimos, like boa-constrictors.

Only yesterday there swept past these doors a bright procession, going half-trot, to a lively chant of music: the funeral of a woman. I inquired of a passer-by the cause of her death.

"She ate too much, and burst."

During the summer months, in the fruit-growing districts, quite a number of children will "burst" in this fashion every day.

The streets of Gafsa are swept every morning by a band of minor offenders who are marched out of prison for that purpose. But this cleansing does not extend to the native houses and court-yards, which survive in all their original, inconceivable squalor—squalor so uncompromising that it

has long ago ceased to be picturesque. What glimpses into humble interiors, when native secretiveness has not raised a rampart of earthen bricks at the inside of the entrance! In the day-time it is like looking into vast, abandoned pig-sties, fantastically encumbered with palm-logs and Roman building-blocks and rubbish heaps which display the accumulated filth of generations—there is hardly a level yard of ground—rags and dust and decay! Here they live, the poorer sort, and no wonder they have as little sense of home as the wild creatures of the waste. But at night, when the most villainous objects take on mysterious shapes and meanings, these courtyards become grand; they assume an air of biblical desolation, as though the curse of Heaven had fallen upon the life they once witnessed.

The stones are there. This is another feature which they have in common with the beasts of earth: never to pause before the memorials of their own past. Goethe says that where men are silent stones will speak. If ever they spoke, it is among these crumbling composite walls of Gafsa.

A Roman inscription of the age of Hadrian, which now forms the step of an Arab house, will arrest your glance and turn your thoughts awhile in the direction of this dim, romantic figure. How little we really know of the Imperial wanderer, whose journeyings may still be traced by the monuments that sprang up in his footsteps! Never, since the world began, has there been a traveler in the grandiose style of Hadrian; he perambulated his world like a god, crowned with a halo of benevolence and omnipotence. And it occurs to me that there must be other relics of antiquity still buried under the soil of Gafsa, which is raised on a mound, like an island, above the surrounding country; particularly in the vicinity of the "termid," which one may suppose to have lain near the center of the old town.

And where are the paving-stones? The painstaking John Leo says that the streets of Gafsa are "broad and paved like those of Naples or Florence." Have they been slowly submerged under the débris of Arabism, or taken up and worked into the masonry of the Kasbah and other buildings? Not one is left: so much is certain.

I borrowed Sallust and tried to press some flavor out of his description of Marius's march to the capture of Gafsa. It was a fine military performance, without a doubt; he led his troops by unsuspected paths across the desert, fell upon

the place, sacked and burned it, and divided the booty among his soldiers: all this, without the loss of a single man. But what interests me most is the style of Sallust himself. His outlook upon life, his choice of words, are the note of to-morrow, and when I compare with him certain writers of my own period, I seem to be unrolling a papyrus from Pharaoh's tomb, or spelling out the elucubrations of some maudlin scribe of Prester John.

The stones are there. And the quarries whence the Romans drew them have also been found; they lie in the flanks of the Jebel Assalah and are well worth a visit; legions of bats—tirlils, the Arabs call them—hang in noisome clusters from the roof.

Concerning these bats the following story, with which I will close this sketch, is told in Gafsa.

Not long ago a rich Englishman came here; he used to go out in the evenings to shoot bats; then he put them into bottles with spirits of wine—he was an amateur of bats. On the day of his departure from the place, he said to the polyglot Arab guide whom he had picked up somewhere on his wanderings:

"You will rejoin me in Tunis in ten days. Bring me more bats—tirlils: *comprenni?*—from this country. I will give you fifty centimes apiece."

"*Bon, monsieur,*" said the guide, and took counsel with the folks of Gafsa, who, after certain stipulations and reservations, showed him the way into these quarries.

On the day appointed, he entered the rich tourist's hotel in Tunis, followed by ten porters, each carrying a large sack.

"Hello," said the Englishman, "what's all this?"

"Bats, monsieur."

"Eh? How much?"

"Bats; *tirlils, chauva-souris, pipistrolli* . . . . They will need much bottles. Six hundred tirlils in each sack; ten sacks; six thousand tirlils. Much bottles! Three thousand francs, monsieur. Shall I open him?"

The tourist cast a dismayed glance over the sacks, gently heaving with life.

"Look here," he said, "I'll give you fifty francs. . . ."

The Arab was surprised and grieved. He thought he was giving a pleasure to monsieur, who had asked for bats. He had been obliged to borrow money from his aged mother

to help him to pay the nine hundred francs already disbursed for assistance in catching the tirlils; he had risked his life; there were transport expenses, too: very heavy. He had traveled with many Englishmen and had always found them to be men of honor—men who kept their word. And in this case there were witnesses to the bargain who would be ready, if necessary, to go into the French tribunals and testify to what they had heard.

"I see. Well, come to-morrow morning, but go away now, quick! before I break your head; take your infernal tirlils to your *funduk* and be off: clear out—*comprenni?*"

And he looked so very angry that the Arab, a prudent fellow, walked backward out of the room, more surprised and grieved than ever.

Thanks to the disinterested and strenuous exertions of a Jewish international lawyer, the affair was settled out of court, after all—fifteen hundred francs, plus expenses of transport. . . .

NORMAN DOUGLAS.

THE ENDOWED THEATER, AND THE UNIVERSITY

BY DONALD CLIVE STUART

It is a debatable question whether or not the theater has a moral influence, but there is no doubt that the theater often has an immoral influence. That tragedy purges the soul of the passions of pity and fear, or that comedy *ridendo castigat mores*, are theories unknown to all but students of dramatic criticism. In choosing his evening's entertainment the theatergoer does not consider whether his soul needs purging or his morals need correcting. Indeed, he is likely to shun the so-called "serious play," for fear that it may set him to thinking or that his feelings may be unduly stirred; and he attends a performance which he hopes will amuse him —that and nothing more. The stage, however, including in this term for the moment all mimic representations of life behind footlights, is an important factor in our modern life and brings with it grave problems. There is no form of recreation which appeals to so large and general a public; and the lack of knowledge—not to say ignorance—of that public in regard to the drama is surprising and often painful, in spite of the fact that each individual is a self-constituted dramatic critic and gives his opinions with judicial gravity. When one stops to consider the influence of the theater on this unthinking public he realizes that it is deeper than most of us imagine; and, on the other hand, if one considers the influence of an unthinking public on the theater, he is not surprised at existing conditions in the drama.

No one will deny that a more solid drama is desirable. America, with its chains of beautiful theaters, lags behind in theatrical affairs in everything except lavish and expensive productions. The managers, with few exceptions, give the public what it pays for. They feel, like the average American, that the road to their pocket-books is long and life is

short; and the very few altruistic attempts made by the producers to educate the audience have resulted in failure. Since the conditions in front of the footlights make the conditions behind the footlights, the first step toward better drama will be a more intelligent audience. Instead of the matinee girl and the " tired business man " who ought to be at home, but who become responsible for the existence of frothy, worthless plays, there must be an audience of men and women of cultivated taste if American drama is ever to take its place in the world's art. The audience must not be afraid to think and feel. It must not shun all other sensations except the mere tickling of the risibilities.

How is this more highly educated and dramatically intelligent public to become large enough to exert any influence? Since it is a question of cultivation and education, one naturally turns to the universities for the solution of this problem. If the universities can develop a taste for good literature; in other words, if they are fulfilling an important part of their task; why can they not develop a taste for good drama? The chief reason is that drama cannot be taught and understood from books alone any more than music can be taught and understood from printed scores. The literary element in the plays of Shakespeare or Racine can be appreciated by reading and studying their printed pages, but the dramas of Shakespeare or Racine need presentation on a stage as much as do the Wagnerian dramas. In fact, the literary element of a play has little to do with its value as a drama. The study of the theater, like the study of physics or psychology, requires a laboratory; and without one the study of the drama must be, and is, in a great measure, a failure. This so-called dramatic laboratory need not necessarily be used for original experiments; for it is doubtful whether dramaturgy can be taught, although a course in play-writing is certainly an excellent way of studying the drama, even though such a course may fail to produce first-class playwrights. If a university is to be successful in this important branch of its teaching, it must provide a place in which its students can observe and study the best drama which the country has to offer. There is needed an endowed university theater, built on university ground and run under the supervision of the authorities—a theater in which students can learn and find amusement at the same time.

The undertaking to establish such a theater is not an easy one, but it is entirely feasible and already has the sanction and support of the authorities of one university. In regard to the endowment and whether the money could not be used in better ways, such as raising salaries or obtaining scholarly equipment, one can reply with grim truth that money is not freely given for such purposes, but generally goes into buildings of more or less usefulness. Men who would give freely for the establishment of an endowed theater would, perhaps, give for no other purpose. If a college can afford a memorial tower or gate costing a hundred thousand dollars and never used, or a stadium costing five hundred thousand to a million dollars and used twice a year, it can surely afford a theater to be used throughout the year for plays, college theatricals, lectures, and college exercises. Certainly a theater is as necessary as the inevitable campus museum which is unentered except by the janitor and unsuspecting sight-seers on their first visit.

Experts say the university theater should seat from a thousand to fifteen hundred people. With no boxes, and, if possible, only one balcony, practically every seat would be desirable. The audience-room should be comfortable and attractive, while a spacious foyer would invite free discussion and diversion between the acts. Plays of literary and dramatic merit would be presented, and one only has to review the past season's offerings to see that a goodly number of productions would be available. Some time before the per formance a lecture should set forth the literary and dramatic history of the play, as is done each year in the Paris Odéon by the foremost French critics. Even the most abstruse scholars hardly need raise the cry *dilettante,* which is too often the bugaboo of narrow minds.

The support of producing managers is needed, and there must be co-operation on their part. We are assured that this will be forthcoming, and many of the men in the theatrical business are interested and are enthusiastic over the scheme. The university playhouse must be on or near a theatrical route. After the first cost of the theater, it is believed that the institution would be practically self-supporting in a college and town of any size. One well-known New York manager estimates the cost of a single performance from three hundred and fifty to six hundred dollars. Others would send their productions for seventy

or eighty per cent. of the gross receipts. The plan, therefore, seems practical and has received the indorsement of many scholars and managers.

Such an institution would offer a high form of intellectual pleasure to the students and faculty alike; not to mention the townspeople, who would aid materially in its maintenance. There are, however, other reasons for the existence of a university theater in addition to its educational value. In many educational centers theatrical conditions are worse than poor. The greater part of the productions which reach the students pander to low taste. The youth of this country is a theater-going youth, and if it cannot go to good theaters it goes to bad theaters. In default of the latter it patronizes moving-picture shows. That sixty per cent. of the students of a large western university had attended musical shows and that only thirty-five per cent. had seen one of nine good plays of the local season are statistics which should be interpreted not to show the deplorable taste of the students, but as evidence that their college is failing to do its duty in educating them and in cultivating high ideals in art. If young men and women naturally chose the best in art there would be little use for universities, and unless a university education teaches them to choose the best in art the system is a failure. Nor is this western institution to be singled out as a glaring example. There are scores of colleges in which the same conditions exist.

If there is no theatrical diversion in the college town there is a week-end or nightly excursion to the neighboring city on the part of the students to "see a show"—an exodus which the authorities have been known to attempt to check by compulsory Sunday chapel, and, at least in one case, by the establishment of a decent grill-room near the campus. Both of these schemes have their faults; but if a college theater were provided, giving sane and wholesome amusement, there would be fewer week-end journeys with their accompanying intellectual and moral laxness.

Said Bacon:

"Dramatic poesy, which has the theater for its world, would be of excellent use if well directed. For the stage is capable of no small influence both of discipline and corruption. Now of corruptions of this kind we have had enough, but the discipline of our time has been plainly neglected. And though in modern states play-acting is esteemed as a toy, except when it is too satirical and biting, yet among the ancients it was used

as a means of educating men's minds to virtue. Nay, it has been regarded by learned men and great philosophers as a kind of musician's bow by which men's minds may be played upon."

The theater which would most closely fit this description would be a theater controlled by a university. It might or might not educate men's minds to virtue, but it would help to put an end to many a corruption. Exerting its influence at an extremely impressionable time in a man's life, it would be invaluable to the individual; and in course of time these individuals would form a public which would demand the best in drama. Then this country can test the assertion: the public receives what it demands. If it is true—and we believe it is—we need then blush no longer at the thought of the drama we demand and receive.

DONALD CLIVE STUART.

NIETZSCHE: A DOCTOR FOR SICK SOULS

BY LOUISE COLLIER WILLCOX

THERE are two methods of coping with disease: the one consists in the application of approved remedies, the other in an attempt to ignore the illness by concentrating the mind upon opposing conditions by vigorously thinking of health. The former is still the method of conservative physicians; the latter is used by various new cults known as Christian Science, New Thought, and the like. With all the fierce vehemence of a Hebrew prophet, Nietzsche proclaimed in the last quarter of the last century that life was wrong and that he had found a cure. Alas! like other panaceas, his cure proved not infallible.

The new complete translation of the works of Nietzsche, under the editorship of Dr. Oscar Levy,* has furnished an opening to various studies of Nietzsche. Anthony M. Ludovici furnishes a slight summary of Nietzsche's doctrine in the series *Philosophies: Ancient and Modern.* A. R. Orage has published an even slighter study, entitled *Friedrich Nietzsche, the Dionysian Spirit of the Age;* and within the year an English translation by J. M. Hone of Halévy's *Life of Friedrich Nietzsche* has appeared. The material then of Nietzsche's thought being now comfortably accessible to all American readers, it remains to be seen what influence this wounded and aristocratic thinker will have upon the happiest of modern democracies. It is unfortunate that translators should not have been more discreetly chosen. Nietzsche is first and foremost a poet, and to translate him adequately requires something more than even a scholastic knowledge of the two languages. Any one who will take the

* The Complete Works of Friedrich Nietzsche. First authorized English translation. Edited by Oscar Levy. Edinburgh and London: T. N. Foulis. New York: The Macmillan Company.

trouble to compare in "*Zarathushtra,*" for example, the German and the English of such wonderful poems as "*Das Tanzlied,*" "*Das trunkene Lied,*" "*Die stillste Stunde,*" will realize at once that what goes to make the grandeur and beauty of the original is entirely lost in the translation. The *Genealogy of Morals* again is done into an English which it is almost impossible to understand at all until one turns it back into German. Why should any one writing English exclaim, "But you understand this not"? This is neither German nor is it English, but a conglomeration of two languages most distracting to read. Whether or not one looks upon Nietzsche as a great philosopher who had a definite contribution to make to the history of philosophic thinking, he was an ardent and poetic psychologist and an interesting reactionary, and his work, if put into English at all, should have been done by scholars with a literary sense. Of the authorized translations done under the editorship of Dr. Oscar Levy, one need only say that, while they are fairly accurate and may convey the meaning of what Nietzsche had to say, every vestige of literary charm and power is lost. Nothing could have been more unfortunate for the poor author, whose sufferings during life one might have supposed an adequate torture, than this turning of his terse, lucid, beautiful prose into dull, hobbling, awkward English after his death.

It is doubtful whether Nietzsche will ever have a very wide circle of readers in America. Despite the fact that he is the ideal aristocrat and Whitman the ideal democrat, he has many points in common with our own unaccepted poet. They share the same grandiose egoism, the same courage to "sing myself," the same impatience with sick conscience, repentance, and remorse, and, finally, the same sense that as the individual acquires independence, freedom, and an expansive outlook he will become whole and well. Indeed, the two other thinkers of whom Nietzsche constantly reminds us are Whitman and Blake. With an intrepidity no less than that of the "mad poet" of the eighteenth century in England, Nietzsche batters down existing standards and proclaims anxieties about right and wrong mere fanciful illnesses; he exults in the time when men shall go through the world like "laughing lions." "Throw away displeasure with your own being," he says. "Forgive yourself for being what you are. In any case you have in your-

self a ladder with a hundred rounds upon which you may climb to consciousness."

In studying Nietzsche it is necessary to make a distinct cleavage between his earlier and his later periods. In his later work he repudiated all that was mystical and all that even verged upon the supernatural, even a great deal of his theory of the Dionysian spirit. His early volumes are full of this distinction between the two illusions that go to make up the worth of life—the Dionysian and the Apollonian. But he was wise enough even in those early days to warn us *(Morgen Röthe)* that any great thinker who fancied he was founding a binding institution for future men might know of a surety that the zenith of his power was passed and that he was moving toward his own sunset. The fluidity of life and thought, constant change as the condition of growth, mutability, that first grief of man on earth, and subject for lamentation of all the poets, was the crux of Nietzsche's doctrine, and he began by accepting it. This rolling world was nothing but the chaotic turning of brute matter into which man, by force of will, was to inject meaning; and in order to have a sound will, to be unhampered in his high and difficult task, he must harden himself. "Be hard, O man!" counsels Zarathushtra, repeatedly. "Turn all that is into the material of thought. . . . Impose your will and your standards upon the flux of growth *(des Werdens)*. . . . Not change in itself is your danger, O men, and the end of good and evil, O ye wise! but that will itself, the will to power—the uncreate, productive Life-will!"

And in the same speech Zarathushtra adds: "He shall be bidden who cannot obey himself. That is the way of life. . . . Ordering is more difficult than obeying. Not only because the commander bears the burden of all the obedient and the burden easily becomes overwhelming, but because in every order there is daring and risk. And every time a man gives an order he risks his life. Yes, even when he commands himself; even then he must bear the results of his own command. He must be judge and avenger and sacrifice of his own law."

Why is this so? he then stops to ask. Why when there are so many dangers to brave will a man dare to command? And he adds: "Ponder well my reply, for I have crept into the heart of life itself and seen to the very roots of its heart."

"Wherever there is life there is the will to power. And

even in the heart of the servant is the will to be master."

. . . . . .

"This secret Life whispered to me: I am that which must constantly conquer itself."

But to Nietzsche the conquest of self never took the form of renunciation and submission. These virtues he saw only as maladies and sicknesses, while growth and victory meant ever new daring, the facing of greater dangers; the invitation to change and growth to arrive and be overcome; to submit to the new valuations set by man and to become subject to his mastery. "He only who changes can remain related to me," he says with Emerson; and joined to this statement comes that mystical utterance: "I am not of those who can be asked 'why?' Was I born yesterday? It is long, long ago that I experienced the reason for my opinions. I should be no more than a vessel for memories if I carried my reasons about with me."

It is unnecessary to point out how alien is Nietzsche's whole attitude of mind to the American temper. He abhorred commercialism, humanitarianism, facile optimism, any form of casual, easy-going light-heartedness. The very foundation of his philosophy was to admit an evil world; to make no such slim excuses for it as that it was the best of all possible worlds while most things in it were necessary evils. On the contrary, he desired to impress the fact that it was an evil world because men, the sole creators of values and of significance, had failed to make it and themselves better.

One point in Nietzsche's personal history forms a parallel to Whitman's. During the Franco-Prussian War he became a volunteer nurse. Doubtless much of the doctrine of ruthless strength, and the need of hardness and invulnerability, grew out of his terrible suffering at the sights he saw when he crossed conquered Alsace, when he saw the misery and destruction of Weissenburg, Wörth, and Strasburg, and the inconceivable horrors of Metz, literally one great hospital for the wounded and suffering. Out of a like experience during the Civil War in our own land Whitman drew his sense of the solidarity of life, the doctrine of love as a solution of life's ills, a love which identifies each man's fate with that of all his kind. From the same experience Nietzsche emerged with his doctrine that the only way to

bear the horror of life was to be so hard that one could stand the downfall of part of humanity for the sake of the victory of the few, the chosen men of strong will. The truth is he was too thin-skinned, too sensitive, to stand life. Like Whitman, he began to envy the animals. Is it not amusing that both these writers should at the same time have expressed in almost identical language their envy of the animals, who do not lie awake at night and think of their sins, who are not possessed with the mania of owning things? Nietzsche looks forward to the time when philosophers shall be "laughing lions"; when the dangers of life shall not cause them a qualm and its eternal flux shall be received with joy. In his desire to see man strong, coping energetically with life, he stood for war as against peace and ease, for aristocracies as against the rulings of the people, for individualism as against socialism, for positive joy of living as against acceptance of pain.

He looked upon art as the means whereby men released themselves from the more sordid limitations of life. The Dionysian spirit in his earlier writings represented not only the creative energy of man, but that ecstasy of contemplation in which personality was temporarily dissolved and became one with the whole; a temporary victory of the "All" over the limited. Life consisted then in a constant interplay of the Dionysian and Apollonian spirits. It is only fair to add that Nietzsche always names these illusions —the two illusions whereby life may be made to appear desirable. The Dionysian illusion is that in which man, by contemplative ecstasy, becomes a creative energy; the Apollonian illusion actually makes forms in formless space, draws lines and lures beauty into shape. The world regarded as a work of art is, then, the Apollonian illusion. It teaches men to desire life, because life is an unbroken chase after beauty. When we are possessed by the desire of beauty, we call life back again and again because the pursuit is worth while. On the other hand, when man ceases to feel himself a separate, single being, ceases to realize his limited, fragmentary self, but feels himself instead as a breath of the eternal wind of will that sweeps through the spheres of the infinite, he becomes by virtue of his relations and conceptions indestructible and eternal. Man escapes thus the terrifying spectacle of death; he escapes pessimism, he loses his suffering in the contemplation of the eternity of will

beneath the perpetual flux of life. Then, again, he is strong enough to recall life over and over, because he rejoices in its grandeur. Thus life was to be made bearable, not by making it easier or by diminishing the sum of suffering, but by enlarging our conceptions of life, by conceiving it as more intense, more grandiose, more imposingly beautiful. "All that is good," he says, "helps me to be productive. I have no other proof of what is good." It was, then, through the constant interplay of the two illusions, the Dionysian and the Apollonian, the active productive principle and the restraint of the rules of art constantly outlining energy that life was to be made worthy. If it is true that when art draws lines mysticism rubs them out, it is only to enlarge the concepts somewhat around which art draws. Wherever contemplation erases the boundary lines, art returns to her task and works again on a larger scale in wider spheres. And to this contest there is no end. Dionysius, the life principle, continually produces, and Apollo finds form a structure for each new concept. "Make life," he might have said in contradiction to the teachings of the two great religions. "Make life; do not renounce it." It was suffering and compliance and a broken spirit, thought Nietzsche, which had finally consoled itself with inventing a heaven and a hereafter in which to store its joys. It was a wholesome instinct of Nietzsche's to draw back attention to the present moment and to insist upon that present moment as the only foundation for a repetition of beauty and strength. "Man is a bridge and a goal," he says in one place; and, again, "Man is a transit and an exit." What Nietzsche aimed at doing was to get rid of the idea of an absolute good and evil and to substitute an immediate sense of good and bad, pleasant and unpleasant, worth while or unworthy. The essence of Christian morality he mistook to be the desire of the individual to save his soul; and thus boldly stated, this seems a most ignoble aim. It is only when one realizes that what that meant was that each individual should strive to subject his lower nature to his higher in the interests of all that one sees that our western religion and our Teutonic philosopher were really aiming at one and the same mark: to make of man "an arrow and an aspiration after superman." Again, Nietzsche objected to shifting the burden of improving life upon God or upon evolution. Man by deliberate choice and by imposing his will was to create

values and affirm a worthy life. This is the meaning of his proclamation in *Zarathushtra:* "God is dead. Now, men," he calls, "it is your time to make an effort; to create worth for life, since there is no outside help. The very roots of good and evil are in your own hearts; they are not in life, in chance, in luck, or in a hereafter." The proclamation is amazingly like one made long before: "The Kingdom of Heaven is within you."

Of woman and marriage Nietzsche has said a great deal; most of it is unpardonably stupid as coming from a brilliant thinker; much of it is self-contradictory, but then Nietzsche announces: "The world is large enough to contain all contradictions." One must remember, however, that while a great deal that he said is cryptic and mystical and sheer foolishness, it was, after all, Nietzsche who said: "The perfect woman is a higher type than the perfect man and a much rarer." One would like to ask here what becomes of his theory that the highest type is always that of the fighter, the conqueror, the one who imposes will, while all Nietzsche's other ideas of woman are purely Paulistic and Miltonic. Again, he jeers at those who marry for any motive other than "inward necessity," and by this he means the most spiritual impulse, for he adds that marriage is only pardonable between those who have the most profound respect for each other and an unconquerable will shared by both to upbuild nobility of nature in each other and in their offspring, and to attain for themselves and their heirs the highest degree of self-development. "Marriage," he says, "is the name I give to the will of two to create that which shall be higher than its creators." If in other places he has spoken cynically and slightingly of women, it was of those "who have no insides, but are only masks." "The man is to be pitied who is caught by such ghosts. Such women often know how to lure man, and he seeks and seeks for a soul and shall go on seeking." Here again we find Nietzsche illogical and superficial. There has never been a profound thinker who carried sex distinction below the surface of life; the soul is sexless. And there is not a word Nietzsche has uttered of women that might not be just as well applied to men.

In form Nietzsche has the identical virtues and flaws that we find in his thought. His work is all in the form of the personal confession. Each book was a fresh attempt to ex-

plain himself, to give his experience and the resultant attitude toward life. Although he succeeded best in that wonderful poem, "*Zarathushtra,*" it needs all his other volumes to throw light upon that cryptic, lyrical utterance. If one except the three essays which make up the volume called the *Genealogy of Morals,* all his books are written in the form of detached fragments or aphorisms. "What others say in a book," he says, "I press into a sentence—the form of Eternity." The truth is, Nietzsche thought in sudden flashes and only at broken intervals. Fluidity of thought, power of concentration, the patient unfolding and upbuilding of his thought were impossible to him. He lacked just that constructive power, that ἀρχιτεκτονκιή which is the mark of the profoundest thinkers. The aphorism is the prose form of the lyric, embodying individual and subjective feeling. Appealing as it is, it is never as impressive and imposing as an epic or dramatic form which embodies the universal and the objective. Nietzsche is mistaken when he says, "The affirmation makes a more powerful impression than argument." It merely makes a quicker and a lighter impression. It is easily overthrown by reflection. In confining himself to this form, unless, indeed, Nietzsche was confined to it by the very quality of his mind and his inherent limitations, he overlooked the misunderstandings that arise from receiving a whole system of philosophy in broken-off bits. He is known as a fanatical antichrist and a ruthless iconoclast. Yet many of his profoundest utterances are mere echoes, as I have shown in one case of the sayings of Christ. His own mystical theory of Dionysian ecstasy he himself denied in his later work, labeling it as belonging to his "mystical period" and proclaimed it no more than a lovely but worthless illusion. "There are moments," he says, "when we must rest from ourselves; see ourselves from above and below and around, so that we can laugh at and weep over ourselves from the outside." And this was ultimately, in a new contradiction, the only value that he gave to art, that it should by selection so raise the main and significant features of life that the mean and the sordid could be overlooked. Thus, as a result of his fragmentary method, instead of one well-built theory of art (and only the superficial reader will fail to see the underlying unity in the two statements of the functions of art) we have two broken fragments, apparently mutually destructive.

The form of Nietzsche's discourse was undoubtedly the result of his broken health. He was a terrible sufferer all his life. He was timid, supersensitive, profoundly wounded by life. His almost hysterical scream for health, for strength, for hardness, was as touching a personal confession of his sufferings as Job's denials. His yearning for aristocratic seclusion was the result of his endless difficulty in dominating his surroundings, his inability to withdraw himself from a humanity that obtruded itself and wounded him at every turn. But, like the Christian Scientists, he concentrated his whole thought upon hardness, upon strength, upon lofty, if lonely, aspirations. And not only does his face, in successive portraits, become more energetic, more domineering, but, despite the long torment of physical suffering, it gains in strength, in the expression of victory. When finally, at the tragic end, his mind gave way, and the final hold upon coherent thought loosened, it was a sense of victory that haunted his madness. He wrote to Brandes:

"Since you have discovered me, it is not wonderful to find me: what is difficult now is to lose me—the Crucified."

To another friend the letter ran: "Sing me a new song. The world is clear and all the skies rejoice." While to Burckhardt what he wrote was in the form of a strange and mad hint at the doctrine of cosmic consciousness, that sense common to all great seers of the identity of all men, all experience: "I am Ferdinand de Lesseps," he wrote, "I am Prado, I am Chambige (two notorious assassins of the moment). I have been buried twice this autumn."

After this there came the pitiful ten years of twilight when Nietzsche lived innocent and harmless, but without memory, without coherent thought. In one of his last letters he wrote: "I have written such beautiful books. How should I not be grateful to life?" And in the last few years when books were handed to him he would ask, gropingly, "Have I not written books, too—good books—long ago?"

He died in 1900, and whatever we may find to refute in his books and his doctrines, they remain excellent tonics for weak souls. Many poisons are in his medicines, but, to stick to the analogy, the poisons in measured doses brace the system. He urged man to accept the responsibility of himself, to shoulder his burden, to grow strong, aye, to grow tough by bearing it and to find himself each day standing

higher than yesterday, with his foot raised for the new step to-morrow.

The strong man may be less conscious of his strength than the struggling invalid. The great religions that Nietzsche attacked took for granted man's love of life, man's strength not only to live, but to give; but Nietzsche was a sufferer, a hopeless invalid, cheering and bracing and exhorting the weak and the sick. It is immensely to his credit to have conquered pessimism and to have conceived of a life whose joys were so great that its pains might be recalled. One constantly hears another say, "I should like to live my life over, knowing what I know now," and in so saying the speaker thinks to escape the pains that he unwittingly invited. Nietzsche knew that great joys are joined to great pains, and all he asked was that neither joys nor pains should be mean and sordid. Do you remember the "*Round-Song of Zarathushtra*"?

"O man! Listen!
What does the deep midnight say?
I slept—I slept—
And I awakened from a deep dream.
The world is deep,
Deeper than daylight knows.
Pain is deep—
And joy deeper than heart's sorrow.
Pain speaks: Pass on!
But Joy demands eternal return,
Demands the deep endlessness of Infinity."

Louise Collier Willcox.

A NEW SOURCE OF THE "DIVINA COMMEDIA"

BY ARTHUR BENINGTON, VICE-PRESIDENT OF THE DANTE ALIGHIERI SOCIETY, NEW YORK BRANCH

STUDENTS of Dante are awaiting eagerly and not without trepidation two volumes which Professor Paolo Amaducci, of Rovigo, promises to publish this fall, and of which there has already been printed in Italy a synopsis taken from a long communication addressed by the author to the Regia Deputazione di Storia Patria for the province of Romagna at its session in Bologna on March 26th. We are awaiting it with trepidation, because Professor Amaducci asserts that as a result of it all the commentaries on the "*Divina Commedia*" will have to be revised, being "in large part either insufficient or erroneous or vain," their authors not having recognized the source from which Dante derived the scheme of his trilogy and which is the real key to its allegorical interpretation.

This source, according to Professor Amaducci, was opusculum XXXII of St. Peter Damian, entitled: "*De quadragesima et quadraginta duabus Hebraeorum mansionibus,*" in which the saint interprets allegorically the forty-two stopping-places of the Children of Israel in their journey to the Promised Land.

Professor Amaducci's theory may be stated briefly as follows: That Dante's journey, from its beginning in the dark wood to its end in the Empyrean, is an image of the journey of the Children of Israel, from the exodus from Egypt to the arrival at the Promised Land; that the hundred cantos of the "*Divina Commedia,*" to be properly understood, must be divided into forty-two marches and stopping-places ("mansions") as was the journey of the Israelites; each march and resting-place having the same allegorical

meaning that St. Peter Damian attributes to those of the Israelites.

A synopsis already published in *Il Giornale Dantesco,* of Florence, reveals an extraordinary parallel between the work of Dante and that of St. Peter Damian, sufficient, indeed, to make out a strong case for the Rovigo professor, but a thorough study of the book itself will be necessary before it will be possible to accept his theory in its entirety.

St. Peter Damian was born at Ravenna in 1007 and died at Faenza in 1072. He was the trusted counselor of several Popes, both as legate to foreign courts and bishop of a diocese (Ostia), but especially as a reformer of ecclesiastical abuses. He was the bitterest foe of simony and of the married clergy. The only churchman of his century who can be compared with him was Hildebrand. Cardinal Capecelatro says of him:

"Damian might almost be called the precursor of Gregory VII; greater in mind, more vigorous and more austere against the powerful, he was deputized to sanctify the Church with the efficacy of his words. He maintained a terrific fight against its internal corruption; his stern meditative spirit made itself manifest in the struggle he waged to free it from passion and vice. This was a noble, lofty, and unparalleled struggle for religious liberty."

And Francesco d'Ovidio remarks of him:

"Hermit, bishop, and cardinal, he had but one cry in all his life. And this was the outcry of Christian virtue against the simony and incontinence with which clergy and laity had besmirched themselves; he lived only to thunder terribly against these sins."

And, speaking of him as a writer, d'Ovidio says:

"The monk of Avellana was truly a miracle of learning. . . . As a theologian Peter Damian is supremely biblical; for in his knowledge of that divine book, and in the art of making it serve the truths defined by the Church, he is not inferior to any of the greatest Fathers of the Fourth and Fifth Centuries. In this respect he may well stand beside Augustine, Gregory, Chrysostom, but more especially does he resemble Saint Jerome."

Professor Amaducci is by no means the first critic to point to St. Peter Damian as a source of inspiration to Dante. In fact, he says that he was drawn to study the works of the saint by reading the words of d'Ovidio in *Studii sulla Divina Commedia* and a passage in *Storia di S. Pier Damiano e del suo tempo,* by Cardinal Alfonso Capecelatro. The latter passage may be translated as follows:

"He who would collect all the visions recounted by St. Peter Damian on the faith of his friends and disciples might find almost all the sins that are specifically punished in the '*Inferno.*' The divine poet of Alighieri, which is a continuous vision, has points of similarity with many books of the Middle Ages, but especially with this of our saint."

D'Ovidio's comment is contained in his remarks on canto XXI of the "*Paradiso,*" of which St. Peter Damian is the protagonist. He says:

"It might be well to seek out if there be not some connection between that which Damian is made to inculcate in respect to predestination and that which he actually taught in his writings. Happy the man who may have the leisure to make such research and to dig out how many reminiscences of the ideas of the monk of Fonte Avellana may possibly be hiding both in the poem and in the other works of Dante. . . . It would be a splendid thing if others might make a minute comparison between his works and those of Alighieri."

And Villemain, the great French authority on medieval literature, held that the primitive germ of the "*Divina Commedia*" was St. Peter Damian's written account of a vision related by his great disciple, Hildebrand, afterward Pope Gregory VII, in the Cathedral at Arezzo in the presence of Pope Nicholas II. This vision was as follows:

"In the land of Germany a certain count, rich, quite powerful, and—what in this class of men is a miracle to find—of good report and decent life (according to the judgment of the people), died about ten years ago. He being dead, a religious man descended in spirit into Hell and saw this count placed upon the uppermost rung of a ladder. And he said that he had seen this ladder erect among the roaring and avenging flames of a crackling fire, and that it was placed there to receive all the descendants of that count's family. And the spot from which that ladder issued forth was an obscure chaos, a vast abyss with an infinitely wide mouth, and very deep. Upon this the line of the count's descendants was arranged in such a manner that when a new one of them arrived he must occupy the topmost rung of the ladder, and he who was already there, and all the others with him, must descend to the rung immediately below. And so also for the others of the same family: as soon as they arrived after death at the said ladder, those who were there already, leaving at once their places, went lower down, through the impelling force of inexorable judgment. Then that man to whom it was given to see this asked the cause of such horrible damnation, and especially why that count, who had lived in his own day, was punished, although he had been so just, so good, and such an honorable man; and he heard it said: That this came to pass because one of his ancestors had robbed from the blessed Stephen a farm belonging to the Church of Metz; that this was his latest successor, and that the others had been punished in the same way. As one same sin of avarice had united them all in one same crime, so one same punishment was uniting them to suffer the pains of one atrocious fire."

D'Ovidio considered Villemain's deduction from this to be too sweeping, but he recognized that it was impossible to deny that from this passage Dante probably derived his idea of the punishment of those guilty of simony. It will be remembered that when he found the spirit of Pope Nicholas III head downward in a pit, with his feet ablaze, this pontiff said to him:

"Di sotto al capo mio son gli altri tratti,
che precedetter me simoneggiando,
per le fessure della pietra piatti.
Laggiu' caschero' io altresi, quando
verra' colui ch' io credea che tu fossi."
—(*Inf. XIX,* 73-77.)

It was such suggestions as these that made Professor Amaducci determine to dig more deeply into the now almost unread works of St. Peter Damian, a native of Bologna, where Dante found his last refuge, and where he probably wrote that canto XXI of the "*Paradiso*" in which he makes the saint greet him so affectionately:

"Equel lume che presso piu' ci si ritenne
si fe' si' chiaro, ch' io dicea pensando:
Io veggio ben l'amor che tu m' accenne."
—(*Par. XXI,* 43-45.)

Opusculum XXXII, in which Professor Amaducci believes he found the key to the "*Divina Commedia,*" is addressed by St. Peter Damian to Hildebrand, the future Gregory VII, and its occasion is the habit of a certain monk to abstain from meat for forty days at times others than those in which such abstinence is prescribed by the Church. The saintly author collects biblical references to the number of forty and its mysteries, and then, symbolically interpreting the forty-two places in which the Israelites sojourned in the course of their forty years of wandering on the way to the Promised Land, he demonstrates in the mystical scholastic manner of his day that the allegorical meaning of this journey is the path of life of the Christian man, who arrives at real perfection and bliss by passing, as it were, through a like number of steps or grades of virtue.

The saint's words are as follows:

"He who on his journey follows the measure of the number forty hastens on with the Hebrews after leaving Egypt to the fatherland. With this number, in fact, the children of Israel entered into the Promised Land. And oh, the height and the depth of this marvelous mystery! Since retracing

that same sacramental line with which God presented Himself to man, man returned to his Creator. For in truth, forty-two are the mansions of the Children of Israel in the exodus from Egypt, and forty-two are the generations through which was derived the coming of Christ the Saviour into the world. For this number by which the Lord descended into the lowest depth of this Egypt is that by which the people of Israel ascended to the Promised Land. He came down that these might rise. He took upon Himself the form of a servant that these, set free, might emerge from the prison of servitude. Which was carefully confirmed by Moses when he said: 'The sons of Israel rose up in their might.' And what else is the might of the elect if not Christ, who is the power of God? Yet he who rises, rises with Him who descended among us not from necessity, but from condescension, that there might be no doubt of the truth of the words of the apostle: 'He that descended is the same also that ascended above all the heavens that He might fulfil all things.'"

The saint says that all the story of the wanderings in the desert, as contained in *Numbers XXXIII*, is

"entirely accomplished within us by virtue of a mysterious spiritual signification. For that which then took place visibly is spiritually applicable to us. For it is we who issue forth from the furnace of Egyptian slavery and strive to enter the Promised Land, passing through many resting-places, that is, traversing the divers upward steps of virtue. But, forasmuch as the Fathers, except those of the tribe of Levi, were left dead in the desert and only their children reached the Land of Promise, so it is expedient that the old man within us die and that the new man, created in the image of God, put on strength to attain the land of the living. Therefore, whosoever desires to realize the promises made to the Fathers must not have solicitude to possess with the tribe of Levi the rope of heredity on earth. For he who grovels upon the earth for the things of the earth, he who, when the Passover is to be celebrated in bitterness and the journey is to be made with swiftness, lingers awhile to enjoy, saying: 'Soul, thou hast much goods laid up for many years, take thy rest, eat, drink, and be merry,' truly deserves to hear the words: 'Thou fool, this night shall thy soul be required of thee, then whose shall those things be which thou hast provided?'"

And much more to the same effect, for those fathers of the Middle Ages were prone to find a mystical spiritual meaning in all sacred history.

St. Peter Damian goes on to elaborate his parallel between the forty-two stopping-places of the Israelites and the forty-two generations of Christ from Abraham to the Blessed Virgin Mary. This gives him further opportunity to describe the way of the righteous man from sin to salvation, ascending the mystical path from earth to heaven which Christ descended from heaven to earth:

"We begin our path at the parturition of the Virgin, in order that, traveling on by the successive sites of the 'mansions,' we may arrive at last at

God, who is our Supreme Father. Therefore, as we desire to issue forth from Egypt, let the parturition of the Virgin first be presented to us; that is to say, believing that the word of God made flesh come into the world, all perishable and transitory things abandoned, we repose in Him and place in Him the habitation of our peace and hope. After which, studying to improve and to climb up by the steps of faith and virtue, we must tarry such time in each of these as may be necessary to convert virtue into habit."

It is remarked that in his letter to Can Grande della Scala, Dante wrote (paragraph seven) as follows:

"It is to be known that the meaning of this work (the '*Divina Commedia*') is not simple, but rather it may be called '*polisemum*' (or '*polisensuum*'), which is as much as to say of several meanings; for one is its sense from the letter, another is that which it has from the things signified by the letter. The first is called literal, the second allegorical or moral. That this matter of operating may the better be explained it may be considered in these words: 'When Israel went out of Egypt and the house of Jacob from a barbarous people, Judea was made his sanctuary, Israel his dominion.' Forasmuch as if we look only at the letter we see there signified the exodus of the children of Israel from Egypt in the time of Moses; if at the allegorical, we see signified our redemption worked by Jesus Christ; if at the moral sense we discover the conversion of the soul from the weeping and misery of sin to the state of grace; if at the mystical (*anagogicum*), we recognize the passage of the sanctified soul from the slavery of present corruption to the liberty of eternal glory. And although these mystical senses may be distinguished by various names, all may in a general way be called allegorical, forasmuch as they are diverse from the literal or historical."

In "*Il Convito*," tratt. II, cap. 1, Dante also says that writings must be understood in four senses—the literal, the allegorical, the moral, and the mystical—and he illustrates the latter with the words:

"as may be seen in that song of the prophet who says that in the exodus of the people of Israel from Egypt Judea is made holy and free. For this being manifestly true as to the letter, no less true is that which is spiritually intended, which is that in the exodus of the soul from sin it is made holy and free in its dominion."

These words might almost have been written by Damian. It is scarcely imaginable that they were not suggested by reading this opusculum XXXII.

To arrive at the allegorical and other meanings of the forty-two "mansions" of the Israelites, St. Peter Damian analyzes the meaning of their Hebrew names. How accurately he translates them is neither here nor there, for Dante would not have sought to verify the translations, but would have accepted them "literally, allegorically, morally, and mystically." There is no evidence that Dante knew

Hebrew, and, even if he did, it would not have mattered, as the monk's interpretations were sufficient for his purpose.

The treatise of Damian closes with an exhortation to Hildebrand to make a more profound study of these mysteries. But Hildebrand became Pope before he was able to take up the task, and he was kept so busy curbing the pretensions of Emperor Henry IV that he never carried out the task imposed by his master. This task, if Professor Amaducci is correct, was taken up and accomplished by Dante Alighieri, the "*Divina Commedia*" being the result.

Professor Amaducci has spent many years in analyzing the "*Divina Commedia*" in the light of St. Peter Damian's interpretations of the forty-two "mansions," and has divided its hundred cantos into forty-two sections, each of which, according to him, corresponds to one of St. Peter Damian's "mansions," and has the same mystical or allegorical significations.

From the synopsis that appears in *Il Giornale Dantesco*, it seems that he puts forth this division tentatively, for he says this "*ponderoso tema*" is too great for one man, and asks that others correct where he may have erred, add where he may have omitted, cut out where he may have been superabundant.

With the synopsis referred to as a guide, I have prepared a table giving on one side the names of the forty-two stopping-places or "mansions" of the Children of Israel, with their interpretation by St. Peter Damian, and on the other side a synopsis of the passages in the "*Divina Commedia*" which Professor Amaducci believes to correspond. The spelling of the Hebrew names is that to be found in most of the editions of the saint's works and is that adopted by Professor Amaducci.

1. RAMESE: "commotion of a troubled mind," or, "commotion aroused by a worm," or "commotion aroused by thunderclaps."	Inf. I, 1-9: Lost in the dark forest.
2. SOCHOT: "tabernacles" (tents or pavilions).	Inf. I, 22-28: His mind turns back to look upon the perilous path by which he had come.
3. ETHAN: "strength"; or, BUTHAN: "valley."	Inf. I, 28-30: After a brief rest he resumes his march.
4. PHIAIROTH: "speech of the nobles," or, "word of the learned"; OSIRAATH: "entrance to the sub-	Inf. I, 13-21: Frightened, he notices the hill touched with the rays of the sun and takes courage

urb," or, "beginning of a new conservation"; BEELSEPHON: "ascent of the observatory or of the tower," or, "Lord of the North Wind"; MAGDALO: "magnificence."

5. MARA: "bitterness."

6. ELIM: where there were twelve springs of water and seventy palm-trees: "rams."

7. Beside the Red Sea.

8. In the Desert of Sin: "place full of briers," or, "temptation."

9. DEPHTCA: "a knocking"; or RAPHACA: "health."

10. HALUS: "fatigues," or "ferment."

11. RAPHIDIN: "praises of judgment."

12. In the Desert of Sinai.

13. CHIBROT-TAAVA: (the sepulchers of concupiscence).

14. ASEROTH: "atria or vestibules of perfection," or, "beatitude."

15. RETHMA: "vision fulfilled"; or, PHARAM: "mouth unveiled."

16. REMON PHARES: "sublime to proceed; v. I, 31-136: Encounter with the three wild beasts; the spirit of Virgil comes to his aid; tells him of the way of salvation; prophesies the coming of the "veltro"; promises to guide him through Hell and Purgatory.

Inf. II, 1-42: Dante's discouragement and fear of inability to perform the journey.

Inf. II, 43-120: Virgil tells him he has been sent by Beatrice, she being urged to go down to Hell for him by two other women who are in Heaven.

Inf. II, 121-142: Close of Virgil's words; Dante's spirits revive; his thanks; they start on the journey.

Inf. III, 1-18: Inscription over the Gate of Hell; Virgil tells him they have reached the place where he shall see the *genti dolorose.*

Inf. III, 19-21: Holding Virgil's hand, they enter.

Inf. III, 22-69: The indolent, incapable of good or evil, condemned forever to be chased by wasps and to follow a moving banner.

Inf. III, 70-129: They cross Acheron in Charon's skiff after Virgil tells Charon this is willed in Heaven; Virgil says Charon's wrath is a presage of Dante's salvation.

Inf. III, 130-136: Thunder and he falls as if asleep. Inf. IV, 1-6: Awakened by thunder, he rises and looks about him to see the place.

Inf. IV, 7 to end of Canto XXXIV; the punishments of the wicked in Hell.

Purg. Cantos I-XXVII: Passage through Purgatory as far as the entrance to the terrestrial Paradise.

Purg. XXVIII, 1-84: At the river Lethe; Mathilda. Purg. XXIX: The mystical procession. Purg. XXX, 1-33: Appearance of Beatrice. Purg. XXXI, 89-145: Beatrice unveiled.

Purg. XXXII, 37-160: The mys-

cleaving"; or, "division of the pomegranate."

17. LEBNA: "brilliant whiteness," or, "brick."

18. RESSA: "restraints," or, "visible, that is, salutary temptation."

19. CEELATHA: "church," or, "preeminence of the rod."

20. SEPHER: "trumpet blasts."

21. CHARADATH: "inherent effect or suitable deed."

22. MACELOT: "from the beginning," or, "union" *(conventus)*.

tical tree; Beatrice, sitting upon its roots, tells him to write what he has seen. The eagle breaks the tree; the dragon seizes the chariot; the prostitute and the giant; Purg. XXXIII, 34-66: Beatrice's prediction that God will avenge the despoiling of the Church; and v. 106-145: The sweet waters of Eunoe.

Par. II, 22-36: Arrival in the first Heaven (moon). Par. III, 10-30: Spirits of those who neglected vows. Par. IV, 28-48: Beatrice explains that the spirits dwell in highest Heaven, but may appear in any.

Par. III, 34-63: Piccarda Donati. D. asks her if the blessed are not sometimes sad with longing to see other friends. v. 97-123: Piccarda tells how she was taken out of a convent and married; she points out the Empress Costanza. Par. IV, 64-87: Beatrice explains that these souls erred in not returning to the convent as soon as it was in their power so to do.

Par. IV, 136-V, 84: Beatrice's explanation of the free will to take vows or not; their sanctity and indissolubility when made; the right of the Church to change their material.

Par. V, 100-120: Appearance of the souls in the second Heaven (Mercury). Par. VI and VII, 1-9: Justinian; the story of the Roman Empire.

Par. VII, 19-148: B. says the death of Christ was just in that He was a man, a sacrilege in that He was God; that this was the only way in which man could be redeemed; that the soul must be incorruptible and the resurrection of the body necessary.

Par. VIII, 13-39: Third Heaven (Venus); souls who on earth burned with charity burn here with celestial love. v. 85-148: Charles Martel explains how God makes the stars influence men so that they are differ-

ent from their progenitors. Par. IX, 127-142: Folco di Marsiglia says that Florence, by coining the florin, has spoiled the clergy, making them avaricious.

23. THAHATH: "patience," or, "confirmation," or, "fear."

Par. X, 1-27: The creation and the wonderful architecture of the universe, as illustrated by the two opposed heavenly movements.

24. THARE: "ecstasy," or, "astuteness," or, "malice."

Par. X, 49-90: The blessed in the fourth Heaven (Sun); D. thanks God with such fervor that for a moment he forgets Beatrice; the doctors of the Church sing and dance about them. Par. XI, 1-12: D. looks at the earth and deplores that men run after fleeting vanities and neglect things real and eternal.

25. METHCA: "new death"; or, MAATHICA: "sweetness."

Par. XI, 28-42: St. Thomas Aquinas speaks of the two great champions of the Church, St. Francis and St. Dominic.

26. HESMONA: "haste," or, "firmness and constancy."

Par. XI, 43-132: St. Thomas tells the life of St. Francis and denounces the degeneracy of the Dominicans. Par. XII, 46-120: St. Bonaventure tells of the life of St. Dominic and deplores the degeneracy of the Franciscans.

27. MOSEROTH: "He who is excepted"; or, "bonds."

Par. XII, 121-145: St. Bonaventure names himself and the other blessed Franciscans.

28. BANAEIM: "springs," or, "cultivations," or, "sons of necessity."

Par. XIII, 34-142: St. Thomas Aquinas discourses on the comparative wisdom of Solomon, Christ, and Adam; the danger of rash judgments.

29. GADGAD: "Messenger," or, "in war order," or "doubts and uncertainty."

Par. XIV, 97-126: The cross of Mars. Par. XV, 13-30, 49-69, 88-148: Greeting of Cacciaguida; his talk of D.'s family. Par. XVII, 46-142: Cacciaguida's prophecy of D.'s exile and Can Grande's hospitality. He tells D. to write courageously the truth about what he has seen. Par. XVIII, 37-51: Spirits of Joshua, Judas Maccabeus, Charlemagne, Roland, William of Orange, Rainouart, Godfrey de Bouillon, and Robert Guiscard.

30. IETEBATHA: "Kindness," or, "good."	Par. XVIII, 70-136: Sixth Heaven: those who ruled in justice group themselves into semblance of the imperial eagle; invective against Papal avarice. Par. XIX, 70-99: The eagle solves D.'s doubt about the justice of God to the heathen. Par. XX, 130-141, and says that predestination is an abyss unfathomable to mortal eyes.
31. EBRONA: "transit or passage."	Par. XXI, 1-18: Ascent to seventh Heaven (Saturn); Beatrice explains why she smiles no more, as D. could not look upon her smile and live; v. 25-42: Jacob's ladder.
32. ASIONGABER: "the counsels of a man."	Par. XXI, 52-142: St. Peter Damian explains the incomprehensibility of predestination. Par. XXII, 1-12: The cry of the blessed disturbs D.; v. 52-69: St. Benedict refuses to show himself in his own form. (This and the previous "mansion" are the heaven of Saturn, in which are the contemplative spirits. D.'s every wish is disappointed, as if, as Scartazzini comments, to make him appreciate the difference between the blessed and mortals.)
33. SIN, where is CADES "temptation," or, "holy fructification."	Par. XXII, 37-99: St. Benedict talks of contemplative spirits and Jacob's ladder, and regrets that men no more try to climb to Heaven by this route.
34. HOR: "mountainous."	Par. XXII, 100-154: D. and Beatrice ascend Jacob's ladder to the eighth heaven (stars); D. turns to view the solar system. How small is the earth in comparison with other heavenly bodies! Par. XXIII, 1-21: Beatrice stands waiting; she says, "Behold the triumph of Christ."
35. SALMONA: "shadow of the portion," or, "little image."	Par. XXIII, 25-139: The triumph of Christ; the coronation of Mary and her ascent to the empyrean.
36. PHINON: "mouth," or, "parsimony of the mouth" (that is, parsimony of speech).	Par. XXIV, 34-154: St. Peter examines D. on Faith. Par. XXV, 13-114: St. James examines D. on Hope. Par. XXVI, 7-69: St. John examines D. on Charity.

37. OBOTH: "magicians," or, "pythons."	Par. XXVII, 10-66: St. Peter's invective against corruption of Popes and clergy.
38. GEBARIM: "piles of stones passing by," or, GAI: "chaos or abyss."	Par. XXVII, 97-148: Ascent to ninth or crystalline heaven, whence all things move; man does not understand because turned away by earthly things. Par. XXVIII, 16-42: God in the aspect of a point; nine circles of angels whirl around Him; v. 88-129: Circles sparkle and cry Hosanna!
39. DIBONGAD: "apiary of temptations."	Par. XXIX, 70-108: Beatrice says the doctors are wrong in saying that angels have understanding, will, and memory; mortals excite anger of Heaven in subjecting scriptures to human philosophy and thus wrongly interpreting them.
40. HELMONDEBLATHAIM: "contempt for figs," or, "contempt for reproach."	Par. XXIX, 109-126: Invective against vain preachers.
41. ABARIM OVER AGAINST NEBO: "transit," or "separation."	Par. XXX, 1-45: The empyrean, where there is neither motion nor time, but only light and love.
42. "In the land of Moab near Jordan, before Jericho."	Par. XXX, 46-132: The river of divine light; the celestial rose; Par. XXXI, 1-18: The celestial rose. v, 79-93: Adieu to Beatrice. Par. XXXIII, 1-39: St. Bernard's sublime prayer to the blessed Virgin Mary.

I confess that at first sight the relationship between the passage of the "*Divina Commedia*" and the mystical or allegorical meaning of the "mansion" to which Amaducci assigns it, is in many cases not evident or even apparent. Here and there the connection is obvious, in, for instance, Nos. 1, 5, 13, 14, 15, and 32; but in many of the others, even a careful reading of the whole exposition by St. Peter Damian leaves an abyss that requires a stretch of the imagination to bridge. The saint's method of interpretation is well illustrated by two brief passages translated from the Latin. The first of these refers to "mansion" 33, and the second to "mansion" 39. I selected them because of their comparative brevity. This is the first:

"But forasmuch as he who imputes knowledge imputes grief, they come again into the desert of Sin, where is Cades. But Sin is interpreted

temptation, as we said above. For just as a hammer strikes repeatedly a golden or silver vessel, as a file repeatedly rubs it until it is polished, so repeated temptation, not yielded to but withstood, purges the mind of its coarseness. 'The furnace trieth the potter's vessels, and the trial of affliction just men' (*Ecclesiasticus XXVII,* 6). And as Cades is said to be 'holy fructification,' thou seest that holy fructification follows in the wake of temptation."

And the second is:

"Wherefore it follows aptly enough that after the chaos of the pythons and magicians, which is the dark cunning of the heretics, soon they arrive at Dibongad, which may be said to mean 'apiary of temptations.' For as bees make honey with their mouth, but prick with their sting, so also the heretics, who put forth manifestly blandishments with their words while they hide the stings of error as it were behind them; at first they distil sweetness with their mouth, but afterwards they sow broadcast the error of stinging falsity. Hence the Prophet lamented, saying: 'They swarmed about me like bees, and they burned like fire among thorns'. (*Psalm CXVII*)."

The process of reasoning by which Professor Amaducci identified the "mansion" spoken of in the last quotation with Beatrice's remarks against the teachers who excite the divine wrath by specious and false interpretations of the scripture, may perhaps be followed without difficulty; but why he confines the identification to Par. XXIX, 70–108, and assigns lines 109–126, which are a bitter invective against these same vain preachers, to "mansion" 40, Helmondeblathaim, meaning "contempt for figs" or "contempt for reproach," is not evident, even after a perusal of the full text of St. Peter Damian.

I cite the foregoing passages at random, but they are typical. I have compared the saint's opusculum XXXII with the "*Divina Commedia*" as carefully as was possible in the few weeks I have had at my disposal, and, although I see countless parallels, some of them almost paraphrases, I am not yet inclined to go so far as Amaducci and assert that Dante took up the task which Hildebrand was too busy to undertake, and that his work is derived in scheme and allegory from this one treatise of Damian's. That the latter influenced him and supplied him with many ideas there can be no doubt; but the same is true of St. Thomas Aquinas, Boetius, and, in fact, of a host of theologians and doctors of the Church. And there are several others of Damian's opuscula which undoubtedly furnished him with ideas, notably the *Liber Gomorrhianus,* opusc. VII; *Contra Intemperantes Clericos,* opusc. XVIII; and the visions and

miracles related in such works as opusc. XXIII and XXXIV.

I prefer the assertion of Carducci that "Dante was the voice of twelve Christian centuries," and again that "Dante, as it is the nature of truly great poets to represent and close a great past, was the Homer of this moment of civilization," the close of the Thirteenth Century.

However, it would be unfair to pass final judgment upon the conclusions of so eminent a Dante scholar as Amaducci, especially as he has been comparing these works for many years, before having his complete book, in which, it is to be presumed, he will elaborate the arguments upon which he bases his theory.

An article by Franco Sabelli in *Il Giornale Italiano* (New York) mentions also another forthcoming book on almost the same subject. This is by Mgr. Luigi Rocca, and is to be entitled *S. Damiano e Dante.* It would seem from Sabelli's article that Mgr. Rocca does not assert that Dante derived the "*Divina Commedia*" from any one work of his predecessor, but merely sets forth how much the poet owes to the saint. He cites many passages that are parallels in thought, and suggests that just as in matter of doctrine and pure theology Dante followed step by step the great doctors of the Church, especially St. Thomas Aquinas, so in the field of ecclesiastical discipline he tried as far as possible to follow the greatest reformers—of whom Damian was the chief.

Professor Amaducci writes me that his book is now on the presses. It is extremely unlikely that there will be any immediate acceptance of his theory by students of Dante, for no other author ever aroused such disputes as have raged around that poet; if Professor Amaducci's book lives up to his promises for it, it will undoubtedly start another tempest of criticism and counter-criticism. But the inevitable effect of this will be to stimulate a wider study of and interest in the works of this greatest of Latin poets and philosophers, whom Raphael in his painting, "The Disputa," placed among the doctors of the Church; who, "was the voice of twelve Christian centuries," and who has well been called "divine."

ARTHUR BENINGTON.

NEW BOOKS REVIEWED

Reminiscences of the Geneva Tribunal of Arbitration, the Alabama Claims. By Frank Warren Hackett. Boston and New York: Houghton, Mifflin & Co., 1911.

As the secretary of one of the American counsel before the Geneva Tribunal, Mr. Hackett was present at all the sessions of that body and was thus daily associated with the eminent men who took part in its deliberations. It would have been better had he, in the present volume, confined himself to personal reminiscences, instead of fitfully passing from personal reminiscences to historical disquisitions, or the reverse. This might be overlooked had he shown a more impartial spirit in treating the graver aspects of his principal theme. Here the work leaves the impression of being a very smooth and plausible piece of special pleading. Patriotic ardor is forgivable even when pushed to the extreme, but the United States is now too powerful a nationality for its citizens to show a provincial partisanry in discussing international events in which their country has been involved. It is this tendency which causes Mr. Hackett to present in exaggerated colors England's attitude toward the North during the Civil War. Had he been writing in 1862 instead of in 1910, by which time the hottest passions should have cooled, he could not have expressed more emphatically his conviction that that attitude was as unfriendly as it was wicked.

In reality, England was not as unfriendly as the North, at the time, imagined. There was much to account for the suspicious soreness which the latter felt in that trying period. The most rigid neutrality would not have satisfied her people. They expected nothing less than such a degree of sympathy as would have amounted to active co-operation, simply because they were fighting for the preservation of free institutions. Did not the South represent slavery, and did not England detest that institution? Why, then, was she not willing to throw her whole moral weight against it by giving an enthusiastic support to the Northern cause? Why did she maintain what was at best a cold neutrality?

As a matter of fact, the whole of the lower and most of the middle class of England were warm partisans of the North; and this friendly sentiment was also shared by numerous influential noblemen. In vain the Emperor of the French tried to persuade the English Government to acknowledge the independence of the Confederate States. That Government refused, although the permanent rupture of the Union would have benefited England by throwing open the South to free trade. Recognition by the two Powers would have meant the triumph of the Confederacy, besides which the damage done by the *Alabama* and her sister-cruisers would have been a mere bagatelle. Certainly the South during the war never looked on England

as practically and substantially friendly to her interests, and this is the best proof that the English Government faithfully observed the principle of neutrality, whatever may have been the private sentiments of some of the distinguished citizens of England in favor of the Confederacy, a division of feeling to be expected in a country of such diverse interests and classes.

Mr. Hackett warmly defends the insertion of the indirect claims in the American case as submitted to the Tribunal. The fact is that their insertion was both a moral and a strategic blunder. The object of that case should never have been to reflect the acrimonious American opinion of the moment, which found its most unreasonable expression in these indirect claims. The only result was to jeopardize the Treaty of Washington, for the English Government declined to take up the argument on the direct claims until the pretension to the indirect was abandoned. It requires an extreme spirit of credulity to believe, with Mr. Hackett, that "what the United States expected and desired was a determinative judgment by the Tribunal that the indirect claims were not collectible." This would have been an anti-climax of a settlement indeed. The suggestion is quite too far-fetched ever to have had a substantial basis.

To such a degree was the bitter American feeling of the time reflected in the formal American case, as submitted to the Tribunal, that it cannot now be justified by any standard of diplomatic courtesy. What Mr. Hackett terms "plain Anglo-Saxon words" the British press unanimously characterized as "scurrility." It seemed to be the deliberate purpose of the draftsman to excite in the minds of the independent arbitrators a strong prejudice against England at the very start. It was as if he were drawing up a document to be filed in an ordinary American court, instead of one to be presented to a great international board. Naturally, the English Government in their counter-case refused to discuss the American charge of "hostile motives" and "insincere neutrality," because to do so "would have been inconsistent with the self-respect which every Government is bound to feel."

There is another point in Mr. Hackett's volume, in which his suave laudation seems to be open to criticism. With the exception of the illustrious Charles Francis Adams, the personnel of the Tribunal does not, at this late day, appear to deserve the highest encomium. Cockburn, the English member, was a man of brilliant talents, but he was also indiscreet, verbose, and flighty. Staempfli, the Swiss member, who had failed in business, seems to have been a sour Republican lawyer and journalist, whose sympathies were intuitively hostile to England. Sclopis, the Italian member, possessed ability and experience, but was a mouther of pompous phrases about humanity and civilization, and was highly suggestive of Turveydrop. Itajuba, the Brazilian member, a provincial professor, was notoriously indolent and not particularly well informed. The Tribunal was memorable rather for the precedent which it established than for the character of the men who composed it or the dignity with which its work was performed. This impression is deepened, not lessened, by the perusal of Mr. Hackett's volume, which adds little to our knowledge of the transactions of that body, while it is calculated to do harm by reviving a feeling against England which was never really justified by the action of the mass of her population during that critical period in our national history.

THE HOUSEHOLD OF THE LAFAYETTES. BY EDITH SICHEL. New York: E. P. Dutton & Co., 1910.

Miss Sichel's volume is an interesting example of a variety of biography which the English, in recent years, have carried to a high degree of perfection, a variety that is not precisely a memoir, nor a history, nor a novel. Alternately, or simultaneously, it seems to partake of all these diverse characters. It is the nearest approximation that can be made to a work of fiction without becoming one entirely. Even when the facts are correctly stated, the atmosphere enveloping them seems to be generated by the imagination. There is an intimacy of treatment which can ordinarily only be expected of the novelist, with his immediate insight into the springs of action. This new class of writers present their subject with all the vivid light of contemporary observation rather than with the sober coloring of historical retrospection. The explanation of this attitude, which so often results in delightful, but not so often in trustworthy, writing, is obvious: the biographer's aim is really to amuse, and not to instruct. If he seeks to convey a moral, it is a form that will be palatable to the most frivolous taste. He is aware that his work has no solid value as history, and yet that it is not unadulterated fiction. Released from all serious historical obligations, his one purpose is to make the time pass pleasantly for the reader; and in this he is generally successful.

Miss Sichel has portrayed with true feminine sympathy and intuition the lives of the female members of the Lafayette household, who were among the loveliest and most pious women of their time. There is a notable delicacy in her treatment of their characters; occasionally a soft and lurking humor; always a vivid perception of their peculiarities, which brings them up very clearly before us.

She has not been so happy in her delineation of Lafayette himself. But this may be the fault of the man. The hero of two worlds was, in some aspects of his character, one of the unintelligible figures of history. What were the qualities which enabled him to play so distinguished a part in three revolutions, and yet never to seem really great? Was his European career almost entirely the result of the glamour of his American? And would he have become so conspicuous in the American Revolution had he offered himself to Washington in the beginning as an unknown young soldier of fortune? A youthful Frenchman of the highest social rank, of large wealth, of powerful interest at court, who had romantically defied every obstacle in his way to rush to the patriots' assistance, such a man might confidently count on a warm reception when he presented himself in the American camp. The personal qualities of the youthful officer—his ardor, energy, and courage—confirmed his inherited claim to a prominent place, and worthily maintained it to the closing scene of Yorktown.

There was nothing in his bearing or actions during his American campaigns to foreshadow Cromwell-Grandson, to which double Mirabeau inaptly likened him afterward. He appears rather as the gay-hearted, debonair, polite, vivid, yet earnest and chivalrous young soldier who won the respect and affection of all who were thrown in his society. Undoubtedly his early prominence in the French Revolution was due to the unique reputation which he had achieved in America, and his association thereby, in the popular mind, with Republican ideals; but he proved himself incapable of stemming the tide, even before it had begun to run very strongly.

Perhaps no one could have done it. Lafayette certainly could not and did not; and, but for his opportune flight, would have perished on the scaffold. More fortunate than Dumouriez, because clapped into prison by the enemies of the Republic, he was permitted to return to France after his release. His Republican spirit, however, was too unbending for him to accept the Napoleonic military despotism as a substitute for the liberal form of government which he preferred; and, in consequence, he remained inactive and neglected throughout the imperial supremacy. Emerging from his obscurity, which had continued during the reigns of both Louis XVIII. and Charles X., he took the leading part in establishing the rule of the citizen-king, and then withdrew, finally, to his country home.

Not to be seduced from the principles which he had learned at the feet of Washington in the atmosphere of the western world, Lafayette nevertheless remained always greater in character than in action. For action in its highest form he was not really fitted, owing to a certain inflexibility of temperament and to an incapacity to control men in large bodies.

LECTURES ON THE FRENCH REVOLUTION. By LORD ACTON. New York and London: Macmillan Company, 1910.

The vast learning of Lord Acton is displayed in this memorable volume, not in expansion, as in Burton's *Anatomy of Melancholy,* or Buckle's *History of Civilization,* but in extreme compression. In pregnancy and compactness, he recalls Bacon—only he does not permit himself, like either Bacon or Hume, to diverge far into the train of historical reflections suggested by the facts with which he is dealing. The present work has the serious fault which sententiousness is apt to create—it is often obscure, not from the use of inexact language (something foreign to Lord Acton), but from the statement of a fact in a form so brief that it assumes some of the faintness of a generalization. This fault is intensified by the author's taking it for granted that the reader is familiar with the history of the French Revolution even to its minutest particulars. The most profound knowledge of that great event is absolutely necessary to an intelligent understanding of these pages. An important scene is sometimes presented in a single sentence; a mighty popular tendency treated in two. To the reader only partially equipped by previous study to grasp the full meaning of the descriptions and the conclusions much of the volume will seem vague and shadowy. The Revolution glimmers, as it were, behind a veil.

There is nothing to recall the terrific dramatic force of Carlyle's companion masterpiece in this work. Carlyle seized upon a few facts only, but his imagination was able to use them with such power that the whole spirit, the concentrated essence, of the French Revolution is brought vividly before us. Lord Acton, on the other hand, seizes upon many facts; and, as it were, by the blows of another Thor, compresses them into a narrow compass, to the exclusion of all imaginative effects. The work seems rather like the head-lines of a professor's thesis than the actual thesis itself: memoranda strung together connectedly, but intended for future elaboration; a skeleton outline to be clothed with flesh by word of mouth in the lecture-room.

To Americans, the most interesting part of the volume will be the description which the writer gives of the influence of the American Revolution on

the inauguration and expansion of the French Revolution. As Lord Acton points out, it was the Declaration of Independence, not the Federal Constitution, which affected the character of that event. His admiration of Hamilton, who favored monarchy, blinds him to the merits of the other framers. Hamilton alone, he declares, was a man of genius. That great publicist appealed to him as he had done to Talleyrand, because his point of view was so much more in sympathy with European public opinion than the point of view of any other distinguished American.

In this part of his work, Lord Acton is too deferential to those fathers of the Republic who were writers as well as speakers. Otis and Adams are given a disproportionate importance, because they left behind a written record of their political views and impressions. There is no reference to Patrick Henry, presumably because his speeches have practically perished.

In a similar spirit, Lord Acton exalts the work of the voluminous Sieyès, for whom the previous historians of the French Revolution have expressed but small admiration. And he is rather more lenient than is usual in the judgment which he passes on Robespierre. Had Louis XVI. been a strong man, he declares, he would have been saved. This opinion is open to debate. If the king was not strong himself, there were men about him, and at his service, who were certainly strong. In the world-shaking upheaval known as the French Revolution, it is doubtful whether Napoleon himself could, as chief adviser to the monarch, have oppressed the turbulent elements that brought on the Reign of Terror. It was not until the convulsion was subsiding that the opportune whiff of grape-shot was able to put a stop to it finally.

Historical and Political Essays. By William Edward Hartpole Lecky. London and New York: Longmans, Green & Co., 1910.

One of Mr. Lecky's last literary acts was to collect the numerous essays which he had, from time to time, contributed to different periodicals or delivered in the form of occasional addresses. He did not live long enough, however, to revise them all for publication. This work has been admirably completed by Mrs. Lecky. The essays, as grouped together in a single volume, possess one quality which we do not always detect in a miscellaneous collection of this kind. As is well known, Mr. Lecky, during most of his life, was absorbed in very extensive literary tasks, and while thus occupied rarely permitted his attention to be diverted to the composition of what may be described as the by-products of a great literary career. When he did so, it was always under the influence of some strong motive—he was either responding to a request for the delivery of a disquisition on some public occasion which appealed to him irresistibly, or the subject of the particular article was one which had an urgent claim on his interest as a citizen or as a friend. This fact gives uniform excellence to all these essays. We detect in them the same conscientiousness of treatment which marked his more ambitious labors; the same careful and discriminating research; the same dignity, purity, and elevation of style; the same keen sensitiveness to all the nobler ideas and sentiments. They also possess a remarkable clarity of thought and a perfect sanity of judgment, and are permeated by that knowledge of men and affairs which comes only to one

who has mingled with the most accomplished persons of his time and studied its various interests at the closest quarters.

How wide were Mr. Lecky's sympathies, and how versatile was his capacity for appreciation, is clearly revealed in the subjects considered in this little volume. With equal ease, grace, and learning, he passes from the study of the tumultuous and passionate life and genius of Madame de Staël to the study of the life and character of the supremely practical and self-contained fifteenth Earl of Derby. He is as much at home in analyzing the career of the great scholar Dean Milman as the career of the great statesman Sir Robert Peel. An eminent writer himself, and a distinguished member of Parliament, his own personal experience enabled him to comprehend the full meaning of such dissimilar individualities and such different achievements. In the essay on Ireland, in the "Light of History," he re-enters a field which had become familiar to him by his prolonged researches for his larger work on that country; but his Catholic feeling and cosmopolitan intellectual interests are even more strikingly exhibited in the essay on "Israel among the Nations." In his "Thoughts on History," he sounds a note of warning against regarding history as a science and not as literature; while in the address on the "Political Value of History" he offers the ablest defense that has ever been made in equal compass of the British attitude toward the American colonies. Quite as notable is the address on "Empire," in which, after weighing the opinions of those who have favored colonial expansion against the opinions of those who have opposed it, he sums up the principles which have guided Englishmen in their government of their colonial dependencies, and describes the benefits which have followed British rule over such diverse and widely dispersed populations.

France in the American Revolution. By James Breck Perkins. Boston and New York: Houghton, Mifflin & Co., 1911.

Would the American colonies have won their independence had they received no aid from France? Such is the general question which Mr. Perkins discusses in all its aspects in this lucid but occasionally somewhat prolix monograph. But for this intervention, he declares in substance, the struggle would almost certainly have ended in disaster. Is this view correct? As a matter of fact, apart from Beaumarchais's shipment of arms and ammunition, France afforded the Americans no particular assistance, even indirectly, until after the victory at Saratoga. The only act of French co-operation that told emphatically in favor of the Colonists was De Grasse's interposition in the Chesapeake, which, by preventing the English fleet from rescuing Cornwallis, left him to be captured by the combined American and French land forces.

It does not follow positively that, had De Grasse not been present in those waters at that precise moment, American liberties would have perished. By this time the state of fighting had become normal with the Colonists, and the length of the period over which that fighting had continued was in itself an encouragement to its indefinite prolongation, if necessary to final success. All the chances were that the Americans would have worn out the English rather than that the English would have worn out the Americans. It is now generally acknowledged that the English

pressed the contest with more zeal than they would have done had the Americans (who were their fellow-subjects and of the same race as themselves) been their only opponents. The presence of their immemorial enemies on the ground probably had the effect of drawing out the war by making the English resolute to suffer no humiliation at their hands.

Mr. Perkins appears to most advantage in his description of the characters and careers of particular individuals rather than in his account of a general course of events. What he writes of Beaumarchais and Lafayette, for instance, is vivid and entertaining; and he presents Beaumarchais especially from new points of view. His tribute to Franklin, on the other hand, follows too closely the older judgment, and it causes him to reflect too strongly on the associates of that great man in Paris—Lee, Adams, and Deane—with whom he was at times at odds. There are now proofs that the opinion so generally held as to the supposed extreme value of Franklin's services in France has been exaggerated by the pride which the Americans have felt in the impression which he undoubtedly made in that country as a man and philosopher rather than as a diplomat. They have taken popular esteem for the person as irrefutable evidence of the most substantial achievements as an envoy. Mr. Perkins himself falls under the glamour of Franklin's reputation so far as to say "that the results of his mission in France could have been accomplished by no one else; and without them it is by no means certain that American independence would have been won until many years later."

In opposition to this view, it may be pointed out that, long before Franklin arrived in Paris, the attitude of the French Government toward the Colonists was distinctly friendly, and that that Government had already assisted them secretly. Had it not been for the success of Gates at Saratoga, not all the suave arts of the American philosopher could have induced the French to support the American cause openly. Mr. Perkins admits that it was not Franklin's, but Lafayette's, personal appeal that moved the French authorities to send out the army under Rochambeau and the fleet under D'Estaing. These were really the only factors in the French connection which accomplished highly important results.

Izard, Lee, and Adams have all been accused of jealousy in reflecting on Franklin, but does not Mr. Perkins himself acknowledge that this illustrious American was, at this time, "old, infirm, fond of pleasure, and by no means an accurate man of business." This is practically John Adams's charge. Franklin, he asserted, was kept in a "constant state of dissipation" by philandering with charming French women and theorizing with learned French philosophers. Indeed, according to Adams, he was so much absorbed in social frivolities that diverted his vanity, and in scientific discussions that interested his reason, that he failed to give any real attention to his diplomatic duties. Certainly, to our modern perceptions, this animadversion does not seem hypercritical when we recall the historical spectacle of "the venerable sage, with his gray hairs flowing down upon his shoulders, his staff in his hand, and the spectacles of wisdom on his nose," permitting himself to be crowned with flowers by women of fashion, sometimes of questionable reputation.

If Mr. Perkins's characterization of John Paul Jones be correct, it is a cause for surprise that the United States should have been anxious to recover his remains and remove them to this country. He is described

in this volume as a "freebooter," a "hardy corsair," a "buccaneer." His famous ship was "a piratical craft." As Jones was sailing under letters of marque legitimately issued, it would appear that he deserved a more honorable designation.

There is a disposition on Mr. Perkins's part to confuse the American people at the time of the Revolution with the Puritans of New England. "Our Puritan forefathers" is a common expression with him when plainly referring to Americans collectively. He speaks of the Americans' "rigorous theology"; of their "strict modes of life." Such terms have certainly no application to the diversified religious feeling and the bountiful style of life prevailing in all the Southern colonies. They are hardly true of New York. They are really only true of New England.

SECRET SOCIETIES AND THE FRENCH REVOLUTION, TOGETHER WITH SOME KINDRED STUDIES. BY UNA BIRCH. London and New York: John Lane, 1911.

The most important essay in this volume is the first, which describes the influence of the secret societies in bringing on the French Revolution. The two that follow, the "Comte de Saint-Germain" and "Religious Liberty and the French Revolution," either touch other phases of that great event or deal with subjects more or less germane to it. The fourth and concluding essay in the series, "Madame de Staël and Napoleon," adds nothing to our knowledge of the same period, nor does it throw any new light on the most diverting personal comedy in European history, unless we except the episode of Voltaire and Frederick the Great.

The article on secret societies, however, is a singularly vivid contribution of new facts to the history of those powerful organizations, although it is quite palpable that the author exaggerates the part which they really played in precipitating the tragedy. They reflected rather than originated the sentiment at large in France, which in its final explosion in the Revolution was to alter the political face of the world. Many historians, indeed, have gone so far as to deny that these societies had any influence whatever in subverting the old order. Clerical writers alone have attributed to them a certain degree of power over the movements of the time, a power directed not to the improvement of the people, but to the overthrow of the Church, the destruction of Christianity, and the erection of Paganism in its place.

At first the secret societies of France seem to have devoted themselves to study, experiment, and speculation. It was reserved for the Utopians of the eighteenth century to use these societies for the purpose of social regeneration. They assisted actively and zealously in spreading abroad the seeds of the humanitarian movement on French soil. Louis XV. tried to discourage them. Clement XII. issued a bull against them. All without effect. In 1738 they joined in favoring the writing of the great Encyclopedia; and it was due to their subscriptions that Diderot, in 1741, was able to begin that memorable undertaking. Freedom, love, equality, and brotherhood were all advocated by these societies half a century before the Revolution broke out. Reorganized in one grand lodge in 1771, they carried on their propaganda with ever-growing energy and success. Under their indirect influence there sprang

up a large number of independent secret organizations, formed upon the same general model, but holding different doctrines while pursuing the same general ends. It was to the head of one of these sects that the Revolution owed the famous phrase, "Liberty, Equality, Fraternity"; to another, the equally famous calendar of the months.

It is a fact of significance, as showing the view which all these secret societies, regular or irregular, took of their several missions, that, early in 1789, every lodge was formally closed as if they united in thinking that the work of liberation had been completed, and that nothing was left for them to do. It is possible, however, that they really feared lest they should, in those dangerous times, become objects of police suspicion, and thus expose their members to the extreme penalties of the law.

NARRATIVES OF EARLY MARYLAND, 1633–1684. Edited by CLAYTON H. HALL, LL.B., A.M. New York: Charles Scribner's Sons, 1911.

NARRATIVES OF EARLY CAROLINA, 1650–1708. Edited by ALEXANDER S. SALLY, JR. New York: Charles Scribner's Sons, 1911.

The interesting series of original narratives that throw light on the early condition of the colonies has now been further enriched by two volumes relating to Maryland and South Carolina. The first pages of both, which deal with the primeval characteristics of the two provinces, possess the same subtle quality that lurked in the preceding issues—a quality as elusive, but as delightful, as the fragrance of flowers, shrubs, and pines that greeted the voyagers as they approached the virgin coasts of the South and mid-Atlantic waters even before the shore-line itself rose to view. In a small compass, it is old Hakluyt all over again; and just as we do in reading that ancient worthy, so here too we obtain a charming impression of a new world as fresh as when it burst upon the sight of these indefatigable explorers and minute chroniclers. We find in these pages the intimate records of their observations made by these men in the very heart of the verdant wilderness. The shoals of fish, the vast flocks of wild pigeons, the countless herds of deer, the swarms of locusts, the towering trees, the masses of running vines—all were noted; so also was the richness of soil, the purity of the springs and brooks, the peculiarities of the climate at the different seasons; but, above all, the habits of the aborigines —their houses, their dress, food, weapons, tools, appearance, bearing, laws, and customs.

The narratives which follow those relating to the first explorations give an account of the pioneers who founded the several communities, the hardships which they endured, the dangers which they passed through, the great and rugged qualities which they exhibited in their novel situation. Then we have the history of these communities as steadily crystallizing and growing organisms, but still presenting all the primitive conditions, such as the extreme isolation of the life, the almost complete absence of the improving influences of education, the entire indifference to the social conventions of the Old World. Then, as each organism continues to expand, bitter political factions among the people arise, keen religious controversies spring up, and sharp social divisions gradually emerge to view. Each community has now become firmly established, and in the play of

its varied interests offers all the characteristics of the older States in a provincial form.

The two volumes immediately under review contain much to demonstrate how widely the several colonies had diverged in character by the end of the first century; how dissimilar were the social and political problems which they had to face and solve; how repugnant they were to one another in religious sentiment; how different they were in the products upon which their inhabitants had to depend for a subsistence and the accumulation of wealth. The general atmosphere of Maryland was as tolerant of Roman Catholicism as that of South Carolina was of Protestantism, although denominational controversies were not unknown in either. The one relied on tobacco for a livelihood; the other on indigo and rice. Both, however, were distinctly Southern in maintaining the plantation system; both held slaves in large numbers; and both cultivated the spirit of a liberal and bountiful life.

The two volumes containing the Maryland and South Carolina narratives are subject to the same criticism as the volumes relating to the other colonies which preceded them. Excepting the earliest sets of Narratives, which had to be inserted, as there were no substitutes for them, the Narratives included seem to have been more or less arbitrarily selected. There are others of equal aptness which might have been chosen. Indeed, some of those passed by appear to be even more illustratory of the prevailing conditions than some which were preferred. As is well known, the number of documents transmitted to England by the colonial authorities was very great, all of which are accessible in the British Record Office, and some of which have been reprinted in this country. It was really an embarrassment of riches which the editors of those volumes had to contend with. After the sections devoted to the earliest of the Narratives, it might have been more luminous to have inserted, not, as they have done, whole Narratives, but parts of Narratives. More breadth and variety would thus have been obtained; an impression of repetition and scantiness avoided.

Some of the Narratives in the South Carolina volume might have been omitted to particular advantage. Why should De Foe's padded and one-sided treatise have been inserted? He had never visited the colony, and knew nothing about it at first hand. So with the two chapters from Oldmixon. That historian declared that he had read those chapters to South-Carolinians visiting England; but, if so, as the editor of the *South Carolina Narratives* acknowledges frankly, they must have been exceedingly ignorant, for the pages are strewn with mistakes. Oldmixon's "imaginings" are characterized by the same editor as "lively"; his geography as often erroneous, and his local nomenclature as not infrequently confused. All this being admitted, ought these two chapters to have been reprinted at all?

ESSAYS MODERN AND ELIZABETHAN. By EDWARD DOWDEN, LL.D., Litt.D., D.C.L. Professor of English Literature, University of Dublin. London: J. M. Dent & Sons, Ltd. New York: E. P. Dutton & Company. 1910.

It is hardly necessary to say, perhaps, that these fourteen essays of Professor Dowden's show a range and variety of intellectual interest

and of sympathetic insight that are both delightful and rare. For in this day of over-specialization scholarship and culture are becoming rather precious. What is gained in boasted "practical information" and "utility" on the one hand is lost in a shrinkage of the interpenetrative imagination on the other; and the intellectual horizons seem, in some directions, instead of widening out before us, to be closing in. To those who know the author only as one of the foremost Shakespearians, the breadth of intellectual outlook which this volume affords ought to prove stimulating. For interest begets interest, and to watch the pleasure of another always makes us eager to partake of that pleasure. In this sense, too, do men labor, and other men enter their labors; and part of the wonder and charm of all forms of mental activity and delight are, that the more they are shared the less are they diminished or divided. Minds and personalities so different as Pater and Heine, Ibsen and Cowley, as Goethe and De Marsay, an eighteenth-century mystic, are here sympathetically understood, and are placed distinctly before us. As a piece of character-drawing, without pressing conclusions, that of De Marsay is quite noticeable and significant. Swedenborg still awaits a sympathetic interpreter, a mind metaphysical, scientific, and dramatic enough to comprehend and make sufficiently plain one of the world's great mystics. And perhaps Zinzendorf, too, is yet to have his adequate biographer. There are touches of historic insight and of philosophic thought in the sketch of De Marsay which seem to indicate that Professor Dowden might have won yet other laurels in fields apart from those he has made so peculiarly his own.

The influence of Goethe, "Prince of the Moderns," has always been strong with Professor Dowden, and is nowhere more clearly seen than in the essay "Goethe's West-Eastern Divan," snatches of which he has poetically and delightfully translated. In a fine sense minds are the most wonderful of parasites, mind growing upon mind, mind upon mind, until we have new natural forms of almost magic beauty. Such is the "West-Eastern Divan," a dream of a dream, a third or fourth in the transmutation of energy from its original source. "This East of Goethe's imagination," as Dowden calls it, a swan-song of youth, if one chooses to think it so—like all imaginative creations, may be variously interpreted. That Professor Dowden has read into it some of the quality of his own spirit, has lent it an *esprit* and poise that it does not everywhere for every one possess, only enhances the interest of his deeply sympathetic criticism. In the intellectual life, Goethe of course is a force to be reckoned with by all, and, whether possessed by him or possessing him, his is a mind that serves as a touchstone to reveal the quality of others. "Greatest of critics" he may be, as Professor Dowden calls him, yet even Goethe's criticisms may be taken with large reservations.

The essay on Pater, too, is one well worth absorbing. Pater will always be more or less caviare to the general. His delicate refractions of life, his lunar beauty of thought and expression, make him a sort of Franz Hals of literature. For Pater fairly revels—if so robust a word as *revels* may rightly be applied to the author of *Marius*—revels in pearly grays of feeling and thought as Hals does in color. Ultimately, both indicate form rather than express it, and yet to do this requires a rare mastery of artistic skill, whether it be in the writer or in the painter.

And in a day when, if distinctions are not becoming blurred, they are yet easily overlooked, Pater surely tends to keep alive just this fine sense of distinctions. In this short appreciation, therefore, Professor Dowden helps to make Pater accessible to the general reader, and this is no mean aid.

Of Heine, too, tormented by the the Imp of the Perverse—or was he himself the Imp?—that Jewish Ariel, a bundle of moods rather than a character, a spirit whose swallow-like dartings are hard to follow, a paradoxical creature proving himself by contraries—Professor Dowden has much to say that is admirable and suggestive. How one may enter into other lives by study and imagination, and become cosmopolitan in the only true sense, a lover of life and catholic in sympathy, these essays go far to prove. And they can but quicken intellectual interest and increase knowledge.

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THE INTERSTATE TRUST AND COMMERCE ACT OF 1890

BY GEORGE F. EDMUNDS

[FOREWORD.—John Sherman was not the author of the famous Act of 1890 which bears his name. He merely introduced a Bill, of which only the enacting clause, as first drawn, was retained by the Congress. The law, as it now stands upon the statute-books, was drafted by George F. Edmunds, acting as Chairman of the Committee on the Judiciary of the Senate. The title, however, is not a misnomer, because Senator Sherman was the originator of the general plan. The true history of the origin and formation of the Act is, briefly, this:

The Republican platform of 1888 contained the following words: "We declare our opposition to all combinations of capital, organized in trusts or otherwise, to control arbitrarily the condition of trade among our citizens, and we recommend to Congress and to State Legislatures, in their respective jurisdictions, such legislation as will prevent the execution of all schemes to oppress the people by undue charges on their supplies, or by unjust rates for the transportation of their products to market." Pursuant to this declaration, Senator Sherman introduced a bill designed to make it effective, in December, 1889. No action was taken. In the succeeding session he introduced a similar bill, whose history is related by Senator Edmunds in the following article.

On July 21st of the present year, Mr. Albert H. Walker, a distinguished lawyer of New York and author of *The History of the Sherman Law,* addressed the following communication to Senator Moses E. Clapp:

"In pursuance of your request, I submit the following report of the results of my investigations in the office of the Secretary of the Senate and in the room of the Senate Judiciary Committee, relevant to the authorship of the Sherman law of July 2, 1890.

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"That statute was drawn in the Judiciary Committee in the latter part of March and the first part of April, 1890. It was based on the bill which Senator Sherman introduced as Senate bill 1, early in December, 1889, but Senator Sherman took no part in framing the substitute, which was drawn by the Judiciary Committee. That committee was composed of Senators Edmunds, Ingalls, Hoar, Wilson of Iowa, Evarts, Coke, Vest, George, and Pugh. All of its members participated in the consideration of the framing of the statute as it was reported by the Judiciary Committee, which is the exact form in which it was enacted and was approved by President Harrison July 2, 1890.

"The eight sections of the statute were written by the following Senators, in the following proportions:

"Senator Edmunds wrote all of sections 1, 2, 3, 5, and 6, except seven words in section 1, which seven words were written by Senator Evarts. Those are the words, 'in the form of trust or otherwise.'

"Senator George wrote all of section 4. Senator Hoar wrote all of section 7, and Senator Ingalls was the author of section 8.

"The statements of chapter 2 of Walker's *History of the Sherman Law,* relevant to the authorship of that statute, were based on all the published information which had ever been printed when that book was written by me in 1910. But my personal investigation of the original records of the Senate has resulted in ascertaining that the credit of the authorship of that historic statute should be distributed as it is distributed in this communication.

"Albert H. Walker."

This communication appeared in the *Congressional Record* of August 2, 1911.

Subsequently—on September 22, 1911—Mr. Walker wrote the following letter to the New York *Press,* in whose columns it appeared on September 24, 1911:

"My letter of July 21, 1911, to Senator Clapp correctly credits Senator Edmunds with all of the writing of the Sherman Law, except seven words in section 1, and except the whole of sections 4, 7, and 8, which were written by Senators George, Hoar, and Ingalls respectively. But a comparison of section 4 with the last two sentences of the first section of Senator Sherman's own bill in its second form will show that Senator George only rewrote what Senator Sherman had himself first formulated. And a comparison of section 7 with the original bill of Senator Sherman, and also with the second form of Sherman's own writing, will show that section 7 of the Sherman law was only a rewriting by Senator Hoar of section 2 of each of the drafts of Senator Sherman. The contributions of Senators Evarts and Ingalls were but expressions of what was implied in other parts of the Judiciary Committee bill.

"This analysis of the subject reduces the matter to the substantial fact that Senator Sherman was the author of the general plan of the Sherman law, and that Senator Hoar wrote no part of that statute except to rewrite section 2 of Senator Sherman into the form of section 7 of the enacted statute, and that Senator George wrote nothing, except to rewrite another part of the work of Senator Sherman into section

4 of the Sherman law, and that it was Senator Edmunds who wrote all the other parts of the Sherman law, as a scientific development of the original plan of Senator Sherman."

Mr. Francis E. Leupp, the well-known Washington correspondent and Commissioner of Indian Affairs under President Roosevelt, confirms the results of Mr. Walker's investigation from information derived from his own researches. After recounting the various stages in the progress of the bill, as set forth herewith by Senator Edmunds, he writes in the *Outlook* of September 30, 1911, as follows:

"The report of the Committee was made by Mr. Edmunds, to whom had been assigned its final drafting. It struck out everything in the pending bill after the enacting clause, and substituted the new text agreed upon. The meat of the substitute may be found in a few of its sentences, notable for their rigid simplicity:

"'Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be illegal. . . .

"'Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States or with foreign nations, shall be guilty of a misdemeanor. . . .

"'The word "person" or "persons," wherever used in this Act, shall be deemed to include corporations or associations existing under or authorized by the laws of either the United States, . . . any of the Territories, . . . any State, or . . . any foreign country.'

"The rest of the Act is in amplification of these elements for technical purposes, the prescription of penalties, and the statement of what proceedings may be employed to enforce them. The working out of all further details is left to the Executive and the courts.

"So, looking over the legislative record, we find that what we know as the Sherman Act is not a Sherman act at all. Mr. Sherman had nothing whatever to do with it beyond holding a place for it on the Senate calendar by putting in an impossible bill of his own. If it is to be named in honor of any one, its proper title is the Edmunds Anti-Trust Act, a popular error having played upon it the same trick which christened the Allison Silver Act of 1878 the Bland Law, and the Gorman Tariff of 1894 the Wilson Law. It has never been amended, though there has been more or less legislation supplementary to it."

Mr. Edmunds himself, in a letter dated January 14, 1911, modestly says that "it would be correct to say that nearly every member of the Committee was the author of the bill," but the fact remains, as stated by Mr. Walker, that "it was himself who prepared the draft of the whole bill, by putting into shape what every member of the Committee had participated in producing and what they unanimously approved after it was finished."

Hence the peculiar significance of the extraordinarily lucid exposition of the famous Act contained in the following article, which incidentally

was prepared for publication some months ago, and consequently bears no relationship to recent happenings.—EDITOR.]

"The Congress shall have Power To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."—Article I, Section 8, Clause 3, Constitution, U. S.

IN the great stream of human progress, often retarded by eddies and sand-bars or broken by floods or cataracts, governmental institutions of varying kinds and characters have developed; and, on the whole, the fittest have survived. Monarchies purely absolute have become, in the light of increasing civilization and intelligence, nearly or quite extinct. Experiments of pure democracies, or of those nearly so, have been tried, and have failed somewhat in proportion to their radical purity, and have been too often succeeded by dictators and they by absolutism. "The tumults of the times disconsolate to inarticulate murmurs die away while the eternal ages watch and wait." At last in this age the intrinsic equal civil (and generally the political) rights of man have become recognized and established by written constitutions, unchangeable without full time for passions to cool, excitement to subside, and deliberate consideration and reflection to have sway.

It was in this state of the history and experience of civilized peoples and governments that the founders of our national institutions took up, in 1787, their great and most serious work. So far as it regards the subject of this article their chief concern was the commercial relations of the thirteen independent States among one another and with foreign States. A painful and almost destructive experience had demonstrated to them the bitter truth that for the equal safety and welfare of every State and its people the intercourse of trade and commerce must be carried on and regulated under one law to be made by all and enforced by the government of all. Commercial war already existed between several of the States, and the thirteen sister States, which had so recently established their common independence and liberty at so great cost, were steadily drifting into anarchy at home and contempt abroad.

In this most perilous state of things the Convention of

1787 established the Constitution of the United States and created a Nation. Among its provisions was the one standing at the head of this article. Its great and fundamental design and principle was to make the trade of the people of each State with the people of every other State free and equal, as much so as if, for these purposes, the whole United States were a single sovereignty; therefore it was provided that Congress should have power to "regulate" it "*with*" foreign nations and "*among*" the several States, the former of which, under other provisions of the Constitution, it could destroy if, in its judgment, the public interest should require such extreme action.

The productions of industry and the disposal of them through trade and commerce alone create and increase the wealth of a nation. Without these the great objects of civilization—the welfare and happiness of all peoples—would fail of attainment. These observations are commonplace; this truth is familiar to every student of history and to every thinking man of common sense; but as the constitution of the first State admitted to the Union stated, "A frequent recurrence to fundamental principles" is essential to the safety and happiness of a people; and they furnish the light, and give true life to the words of the Constitution and to the Act of 1890, entitled: "*An Act to protect trade and commerce against unlawful restraints and monopolies.*"

What, then, is it to "regulate" commerce among the several States and with foreign nations? It is to provide such means and measures for its existence, protection, and true growth as shall best promote the great and beneficent ends of civilization—among which are equal rights and opportunities under law and order, and the protection of the weak against the strong. This power and implied duty was deposited with Congress; and thus the commercial "war between the States," which was leading them to destruction, was, by force of the Constitution itself, made impossible. Population, production, education, and wealth increased more and more, until within three-quarters of a century there came the temptation to enlarge and combine operations in production and commerce respectively, in order to obtain a predominating and monopolistic power in the field of interstate and foreign commerce as well as within the States. Trusts, compacts, and combinations under many

names began to be formed and to increase until soon many of the smaller and far more numerous and, on the whole, more useful enterprises were cramped, stifled, and finally ruined by all the various devices that unscrupulous ingenuity, sustained by the greater wealth of these combinations, could devise and put in practice.

It was in the nineteenth century the recall of "The good old rule, the simple plan, That he may get who has the power and he may keep who can." Many conspicuous instances of this character are known to the public generally. One in Ohio doubtless led Senator Sherman, of that State, in 1888 to introduce a bill intended to cure the evil, and, as the "Courtesy of the Senate" usually permitted, he had it referred to the Committee on Finance, of which he was the Chairman. It was not considered in that Congress. On the meeting of the next Congress he again introduced it or a similar bill and had it referred to the same committee; and Senator George of Mississippi on the same day introduced a bill on the same subject, which was referred to the same committee. Later on the same day Mr. Reagan, of Texas, introduced a bill on the same subject, which was referred to the Committee on the Judiciary.

On February 14, 1890, Mr. Sherman's bill, which had been reported by him some time before, was first taken up, but stood along without consideration until February, when Mr. George delivered a speech thereon. The bill then stood over without further action until March 20, when it was again taken up and was further discussed, when Mr. Sherman from the Finance Committee reported on March 21 a substitute for the bill, and Mr. Reagan submitted an amendment to the substitute. Mr. Sherman then delivered a speech upon the subject, and it was further debated, and Mr. Ingalls gave notice of another substitute to be proposed by him, and the original bill was by unanimous consent abandoned, and the substitute reported by Mr. Sherman from the Finance Committee was treated as the original then before the Senate, with the amendment proposed by Mr. Reagan and Mr. Ingalls pending; the subject was further discussed by Mr. Sherman, Mr. Vest, and others, involving a variety of conflicting views as to the constitutionality and other difficulties of the three schemes of legislation then before the Senate, and others. The bill went over until the 24th of March, when the subject was further discussed

by sundry Senators, and an additional amendment was proposed by Mr. Reagan, and a bill introduced by Mr. Reagan on the first day of the session and which had been referred to the Committee on the Judiciary as above mentioned and was then still under consideration by a sub-committee which had not yet found itself able to report to the whole committee, was referred to. The debate went on, much like some of the battles of the Civil War, facing every way in the darkness.

The bill then stood over until the next day, March 25, when it was again considered, and a bill on the subject reported by the Finance Committee in 1888 was drawn into discussion, and, finally, on that day the motion which Mr. George had submitted to refer the whole matter to the Committee on the Judiciary* was considered, and it was proposed that the committee should be directed to report within twenty days. Mr. Sherman opposed a reference to the Committee on the Judiciary, complaining that it had had a bill of Mr. Reagan's on the same subject for a long time and had not reported it. Mr. Vest explained that a sub-committee had the subject under consideration, but that the illness of the Chairman had delayed final action upon it, and that the bill of Mr. Sherman having been reported from the Finance Committee and being under consideration, the Judiciary Committee had not taken final action. Mr. Pugh greatly feared that there would be differences of opinion in the Judiciary Committee upon many of the aspects of Mr. Sherman's bill in respect of its constitutionality, etc. Mr. Platt favored the reference, and said that Mr. Sherman had so often changed his propositions that the matter was wholly in confusion, and that the last of his proposals was worse than the first. Mr. Morgan said that Mr. Sherman's bill was nothing but a "*Brutum fulmen.*" Mr. Vance opposed the reference and complained of the destruction which the Judiciary Committee had brought upon a favorite bill of his. The motion to refer was lost, Mr. George voting in its favor, Mr. Hoar, Mr. Pugh, and Mr. Reagan voting against it. The other members of the Judiciary Committee did not vote, and the question recurred on the amendment which had been proposed by Mr. Reagan as an addition to the Sherman Bill. This amendment was agreed to.

* The Judiciary Committee consisted of Messrs. Edmunds (chairman), Ingalls, Hoar, Wilson of Iowa, Evarts, Pugh, Coke, Vest, and George.

Mr. Sherman then proposed an amendment in the nature of a proviso declaring that the Act should not apply to certain labor combinations or to persons engaged in horticulture, etc., which amendment was agreed to without the yeas and nays. Mr. Reagan offered an amendment providing for private suits by persons injured by violations of the Act, which was modified and agreed to without the yeas and nays. Mr. Ingalls proposed an amendment defining the words "options" and "futures" in the bill and enumerating many agricultural products as the subjects to be included, which amendment was agreed to without the yeas and nays. Mr. Coke moved an amendment as an addition defining a trust and forbidding it, etc. Mr. Sherman moved to lay that amendment upon the table as inconsistent with the bill. Mr. Stewart proposed an amendment to include the subject of the value of money; which amendment Mr. Hoar moved to amend by adding the words gold and silver.

Night terminated the debate, and the matter went over until the next day, March 26, when it was again taken up.

Mr. Sherman moved sundry verbal amendments, which were agreed to, and various amendments were proposed by other Senators, which were all agreed to.

Then a long debate arose, going over all the aspects of the subject and drawing into the mêlée the ever-ready matter of the tariff and the orthodoxy of some of the Democratic Senators, as between themselves, on the subject.

Some further amendments were then agreed to, and many others were proposed, enumerating all sorts of things as the subjects of the operation of the bill, including in the section speaking of agricultural products, stocks and bonds, steel rails, boots and shoes, whisky and other intoxicating drinks; which amendment was agreed to. Finally, Mr. Gorman moved that the bill be referred to the Committee on the Judiciary with a request that it be reported within twenty days. Mr. Sherman again opposed the reference to the Committee on the Judiciary. Mr. Gorman withdrew his motion to refer. After further debate by Mr. Sherman, Mr. Butler and Mr. Gray proposed to strike out the whole bill and insert a substitute providing among other things that, when the President of the United States should be satisfied that any trust, contract, etc., made with a view of preventing competition had been formed and that as a consequence prices had been enhanced, he should suspend

the collection of all customs, duties, etc., for ninety days, and, if then satisfied that such enhancement had ceased, withdraw the proclamation.

After further amendments had been proposed to the Sherman Bill and to the substitute of Mr. Gray, Mr. Cullom, a member of the Committee on Finance, moved to recommit the bill to that committee; and after further debate the motion was lost. Mr. Hawley then moved to refer the bill with all its amendments to the Committee on the Judiciary with instructions to report within a fortnight; which motion was disagreed to on a division—yeas 24, nays 29. Further amendments were proposed, and then the question recurred on the amendment of Mr. Gray, which was disagreed to—yeas 18, nays 26. Mr. Gray then moved another amendment giving the President of the United States the power of suspending the customs duties as before referred to, which on the yeas and nays was rejected, 21 to 25. After further debate the bill was reported to the Senate, and all the amendments were reserved for separate votes, and the Senate, after some discussion, went into executive session, then adjourning until the next day, March 27th, when the bill was again considered, and the amendments were taken up in their order and further debated, and various motions for amendment were proposed and debated, including principally the constitutionality of the bill and its amendments as they then stood. Mr. Walthall then moved that the bill and amendments be referred to the Committee on the Judiciary, with instructions to report within twenty days; and the yeas and nays, having been demanded by Mr. Sherman, were taken and the motion was agreed to—yeas 31, nays 28—Messrs. Reagan and Vest voting in the affirmative, and Messrs. Edmunds, Hoar, Ingalls, and Pugh voting in the negative.

The subject was immediately considered in the Judiciary Committee, and on the 2d of April, six days after its reference, the Chairman of the committee reported a substitute to strike out the whole Sherman Bill and insert the substitute, and to strike out the title and insert the one which with the substitute is now the law.

The Chairman in reporting it said that the report was unanimous, although he thought that the seventh section went further than it ought, and that Mr. Vest thought the same section did not go far enough. Mr. George thought

that further steps ought to be taken under other clauses of the Constitution to put down the evil, but favored the substitute as reported, and Mr. Coke held the same view.

On the 8th of April the bill was taken up for consideration in the Senate, and Mr. Sherman having stated that though the bill was not precisely what he wished for, he should vote for it as reported; Mr. Vest stated that, though he thought that one section ought to be further extended, he was satisfied that the public interests demanded the passage of the bill as it came from the committee. Thereupon the committee substitute was agreed to without a division. The bill was then reported from the Committee of the Whole to the Senate. Mr. Reagan then moved to amend section 7 by providing that the courts of the States should also have jurisdiction of cases arising under the proposed law, pending which Mr. George proposed a further amendment providing that all persons complaining of injuries might unite in bringing or come into any pending suit to obtain redress. These amendments were discussed by Mr. Reagan, Mr. Vest, Mr. Hoar, Mr. Edmunds, Mr. George, and Mr. Morgan. The question was taken on the amendment proposed by Mr. Reagan, which was disagreed to on the yeas and nays, 13 to 36. The question was then taken on the amendment proposed by Mr. George, which was disagreed to without a division. Mr. Reagan moved another amendment of detail, which was rejected without a division. Mr. Gray then moved to amend by striking out the words "monopolize or attempt to monopolize" in section 2, which, after debate, was disagreed to. The committee's substitute for the Sherman Bill was then agreed to, and the question on the passage of the bill was submitted, and on the yeas and nays the bill was passed—yeas 52, nays 1 (Mr. Blodgett of New Jersey)—and the title was amended to stand as it now appears in the statutes.

The bill then went to the House of Representatives and was reported favorably by Mr. Culberson on the 25th of April. On May 1st the House amended the bill, inserting a provision forbidding contracts, etc., "entered into for the purpose of preventing competition, etc.," and passed it with that amendment. The bill with the amendment was returned to the Senate, and on the 2d of May Mr. Sherman moved that the Senate concur, pending which the bill was referred to the Committee on the Judiciary, and on

the 12th of May Mr. Hoar reported the bill from the committee, proposing that the Senate concur in the House amendment with an amendment and that a conference be asked.

The amendment consisted in striking out from the House amendment words relating to competition and striking out a proviso in the House amendment.

Pending this question the matter went over until May 13th, when the bill with the amendments was recommitted to the Committee on the Judiciary.

On the 16th of May Mr. Edmunds reported the bill from the Judiciary Committee, with an amendment to the House amendment. The amendment was agreed to and a conference asked for. On the 17th the House disagreed to the Senate amendment and asked for a conference. On the 11th of June the bill was reported to the House by the conference committee, recommending that the House recede from its disagreement to the Senate amendment and agree to the same, modified; pending which the matter went over until the next day, when the House rejected the conference report and asked for a second conference. On the 18th of June the Senate agreed to a further conference, and on the 18th Mr. Edmunds submitted a report from the conference recommending that both Houses recede from their respective amendments, and the report was concurred in without a division, and on the 20th of June the House, by a unanimous vote of 242 on the yeas and nays, concurred in the same report made in the Senate.

Thus the bill was passed in the precise form in which it had originally been reported by the Committee on the Judiciary of the Senate, and was approved by the President on the 2d of July.

This condensed chronological history is given in order that it may be seen that after months of both public and private discussion of the whole subject in all its aspects, and weeks of consideration and criticism of the bill as it passed the Senate and was sent to the House, and of experimental amendments proposed, both Houses of Congress unanimously (with the exception of one vote in the Senate) agreed that to secure freedom and equality and protection for the commerce that the Constitution had authorized Congress to regulate, the safest and surest way was to denounce disturbance of it in the simplest and all embracing terms,

without qualification or exception; fair play and justice for all, favors for none, as follows:

AN ACT TO PROTECT TRADE AND COMMERCE AGAINST UNLAWFUL RESTRAINTS AND MONOPOLIES*

"Be it enacted, etc. Sec. 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal.

"Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court."—EDMUNDS, *except the words "in the form of trust or otherwise," which were interjected by Senator* EVARTS.

"Sec. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court."—EDMUNDS.

"Sec. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal.

"Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court."—EDMUNDS.

"Sec. 4. The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this Act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain such violations.

"Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining

* The names of the writers of the various sections, as established in the Foreword, are appended by the Editor.

order or prohibition as shall be deemed just in the premises."—GEORGE, *rewritten from Senator* SHERMAN'S *original draft.*

"Sec. 5. Whenever it shall appear to the court before which any proceeding under section four of this act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpœnas to that end may be served in any district by the marshal thereof."—EDMUNDS.

"Sec. 6. Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section one of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for their forfeiture, seizure, and condemnation of property imported into the United States contrary to law."—EDMUNDS.

"Sec. 7. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee."—HOAR, *rewritten from Senator* SHERMAN'S *original draft.*

"Sec. 8. That the word 'person' or 'persons,' wherever used in this act, shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country."—INGALLS.

Thus there came into force on the 2d of July, 1890, an Act exercising, for the first time broadly, the power and duty to protect and defend all interstate and foreign trade and commerce by prohibiting and punishing all contracts, etc., in restraint or monopoly thereof. After most careful and earnest consideration by the Judiciary Committee of the Senate it was agreed by every member that it was quite impracticable to include by specific descriptions all the acts which should come within the meaning and purposes of the words "trade" and "commerce" or "trust," or the words "restraint" or "monopolize," by precise and all-inclusive definitions; and that these were truly matters for judicial consideration.

The principles of universal jurisprudence coming to us, through increasing civilization, from the Roman Law to the so-called Common Law of England—although it ought to be said that at one time it was considered that it was improper to cite the Roman Law in the Common Law courts as author-

ity, *but only as "ornaments to discourse,"* applying to the scope and construction of laws—were assumed to be within the judicial knowledge.

And so the first three sections of the Act were framed to read as they appear therein. The other sections of the Act provided for its full enforcement by executive and judicial proceedings.

The broad and just policy of the framers of the Constitution was to provide for the protection of trade and commerce with foreign nations and among the several States, and monopolies thereof, etc., against the evils that had afflicted the people in the experience of civilized mankind in hydra-headed forms. The Judiciary Committee believed that the well-known principles guiding the courts in the application and construction of statutes would lead them to give the words of the Act a beneficial and remedial rather than an injurious and technical one hurtful to any honest trade, as well as out of harmony with the beneficent spirit and policy of the whole Act. It was believed that the time-honored maxim of the law, "*haeret in littera, haeret in cortice,*" and the Holy Scripture, "For the letter killeth, but the spirit giveth life," would aid the executive and judicial authorities in construing and applying the statute justly in all cases as they should arise. The committee recognized the perfect soundness of the proposition laid down by a very eminent scholar and theologian that "When we find a document asserting or implying certain universal and fundamental principles, and at the same time making statements apparently or really in contradiction with the same, it is plain that our choice must be in favor of the more universal and fundamental principles; that ambiguous statements must be interpreted in agreement with them; that contradictory statements must be quietly ignored."

That belief has now, on the whole, been realized. It is believed that no case founded on the Act has been finally decided by the courts adversely to the contracts or conduct of parties accused in which such contract or conduct did not offend against both the letter and the spirit of the Act, as well as against the sound public policy underlying both the provisions of the Constitution and the Act of Congress touching the subject, while the reserved rights of the several States have been preserved, and aggressions of powerful combinations in various forms and various ways upon

weaker enterprises have been denounced, although, unhappily, not yet fully prevented. It is to be hoped that hereafter the penal provisions of the Act will be brought into full exercise as well as those of a civil character. The fear that some literal construction of the words "restraint of trade" in the Act might lead to the sacrifice of some just, fair, and wholesome business arrangements may be safely dismissed, for if the principle and purpose of the Constitution and Act have any foundation at all there can be no such restraint, because such conduct is not restraining, but is promotive of and beneficial to the public interest.

If in a particular community there be two grist-mills grinding the grain brought by surrounding farmers and each does it well, but the supply of grain will permit the mills to run only half-time, the owners, in order to pay their employees fair wages and make a living profit, are compelled to charge the farmers too high prices for grinding, or else fail. They contract to combine forces and do all the grinding in one of the mills and use the other for sawing lumber, and thus save the farmers from excessive tolls, pay the employees full wages, and make a fair profit themselves. Is that a contract in *restraint* of trade? Common sense says no. Public policy says no. Both say that it is the reverse, and that it helps business, labor, and the public.

And so of trade and commerce and so-called monopoly, if the party concerned can show (and it is for him to show) that his contract or act promotes and benefits trade and is consistent with the general and equal welfare of the whole people, and thus recognized by the public policy stated in an earlier part of this article, it is not any restraint of the trade or the creation or the attempt to create the monopoly prohibited by the Act. It is the contracting or conspiring and the monopoly that are vicious, and not the subjects of them, as the recent decisions of the Supreme Court indicated.

The expansion of business of every sort and the dangerous combinations that have attempted (in many instances too successfully) to absorb the business of the country into their own hands, to crush out fair and useful competition, and so dominate and monopolize the industries and trade of the Republic, have been so great that the result is the unnatural and unequal distribution of wealth and power, which the experience of centuries has shown to be among the great evils that affect civilization and true progress.

The Act of 1890 was designed and framed to check and, so far as possible, prevent these great and growing evils. But, like all laws enacted to punish and prevent selfish disturbance of social order and equal rights, the Act would fall into "innocuous desuetude" without the vigilant and persistent exertions of the executive department, for, of course, the courts cannot act without cases properly brought before them. For several years following the passage of the Act it seemed as if the Department of Justice doubted its constitutionality or was unable to find evidence of constant and increasing violations of it. Those engaged in, and profiting by, schemes to dominate and monopolize trade went boldly on. Others followed the bad example until much of almost every variety of the business of the country came to be carried on and controlled by combinations making war upon those who could not or would not come into the conspiracies, and fixing prices destructive of fair competition, and putting small traders and all consumers in bondage. Civil suits for redress by persons specially injured by these combinations could not be carried on, in most instances, for want of means to contend against such great power and wealth; and in one case (Knight's) instituted by the Department of Justice the complaint so imperfectly stated the fundamental facts, and which the prosecution did not prove, although the evidence was known to everybody, that the suit failed in the Supreme Court, and the evil trusts and monopolies continued to grow and thrive. Times have changed, and the greatest of the law-breakers have found that the hand of justice is too strong for them.

It may be truly said that within the last ten years, with one or two exceptions, the Department of Justice has been with ability and earnestness prosecuting on the equity side of the United States courts prominent cases of violations of the Act in various parts of the country with much success, as also some criminal prosecutions; but so long as the penal provisions of the Act remain generally in abeyance and the consequences of the violations of it fall entirely or chiefly upon the stockholders in corporations and the common funds of those interested in such enterprises, there is great probability that the mischief will not be suppressed, and trustees, directors, and managers may grow rich, while stockholders and trusting investors, as well as great numbers of independent and fair traders, grow poor.

It is to be hoped, and may be confidently expected, that with a clearer realization of the power and duty of those intrusted with the execution of the laws, every one of the remedial clauses of the Act—equity injunctions, interdicts and mandates, fines, forfeitures, and imprisonments—will be brought into full exercise without fear or favor. The evils are great and the remedies must be applied. But it is said that in doing this the business operations and interests of the country will be disturbed and upset. Well? If the "business interests" of the great and wide-spread combinations, as now carried on, are crushing out smaller enterprises, and monopolizing industries that should be fairly and equally open to all, and controlling and enhancing the prices of almost everything needed in every household, must suffer from the enforcement of equal laws necessary to the welfare of the whole people, it is the consequence of their evil doing, and must be borne, and every honest and fair enterprise will survive for the good of all. Wealth and power justly used are a beneficence to all. Capital is essential to the beginnings and conduct of large enterprises, but it is absolutely useless without the co-operation of willing labor, while without it labor can have little employment and little compensation. Neither can prosper without the other. Co-ordination and co-operation and good-will are equally necessary to both; without them neither socialism nor the initiative nor the referendum nor the recall will help anybody except the "politician" and the "bosses" and the agitators who agitate for selfish ends; and of such there always have been and always will be plenty. Business of every civilized country in a condition of peaceful and stable order will always—or at least generally—adjust itself to the capacities and necessities of the people; in short, to the laws of demand and supply, which are permanent and supreme. If it is conducted under circumstances of relative equity and of fair dealing there will be healthful competition and finally co-operation in production, manufactures, commerce, and finance, and for the industrious labor that moves them all. Large operations need not destroy the small, and real progress and prosperity will bless the Commonwealth. The cynic will say that this is visionary; but if so, it has been at some periods a fact. It can be made so again by patience, persistence, and justice.

GEORGE F. EDMUNDS.

CANADA'S CONSERVATIVE POLICIES

BY J. CASTELL HOPKINS

THE great issue in the Canadian politics of 1909 and 1910 was the problem of national participation in the defense of the Empire. The revelations as to German navy construction and the grave, serious-toned debates in the British Parliament during the early part of 1909; the stormy and indeed alarmist speeches of British leaders in every school of political thought before the Imperial Press Conference, with the representations of the Imperial Government at the succeeding Defense Conference in London; the varying and mixed-up ideas in Canada, among all parties and sections of the country, as to what was best to be done; the vigorous demands of Imperialists for an immediate and substantial contribution to the strengthening of the British navy; the Quebec view of antagonism to any policy which would bind Canada to definite and systematic aid; the middle-course idea of building a Canadian navy under Canadian control, except in time of war; were all discussed with intense earnestness. The Conservative party itself was divided in opinion, and Mr. R. L. Borden, its recognized leader, had the difficult task of holding together his stanch Imperialist supporters in Ontario and his French-Canadian allies holding very different views in Quebec. The Government also had to face the growing Nationalist feeling in Quebec under Mr. Bourassa, a loud but inflated anti-Imperialist and anti-Militarist opinion from certain agricultural papers and speakers in Ontario, and the growing American vote in the West which, it was supposed, would be against immediate Imperial action. Eventually the following resolution was unanimously passed by Parliament on March 29, 1909, with the support and approval of Mr. Borden:

"This House fully recognizes the duty of the people of Canada as they increase in numbers and wealth to assume in large measure the responsibilities of national defense.

"The House is of opinion that under the present constitutional relations between the Mother-Country and the self-governing Dominions the payment of regular and periodical contributions to the Imperial treasury for naval and military purposes would not, so far as Canada is concerned, be the most satisfactory solution of the question of defense.

"The House will cordially approve of any necessary expenditure designed to promote the speedy organization of a Canadian naval service in co-operation with and in close relation to the Imperial navy, along the lines suggested by the Admiralty at the last Imperial Conference, and in full sympathy with the view that the naval supremacy of Britain is essential to the security of commerce, the safety of the Empire, and the peace of the world.

"The House expresses its firm conviction that whenever the need arises the Canadian people will be found ready and willing to make any sacrifice that is required to give to the Imperial authorities the most loyal and hearty co-operation in every movement for the maintenance of the integrity and honor of the Empire."

The creation of a Canadian Navy was thus left in the hands of the Government, and it was, presumably, to be actively proceeded with. Great opposition developed in Quebec, however, and in 1910 the Government lost an old-time Liberal seat in a by-election. This and the continued growth of Mr. Bourassa and his anti-naval policy in that province made them pause, and up to the end of their term of office no contracts were actually let, although a couple of training-ships were purchased from the British Government and a Naval Academy commenced instruction at Halifax. Meanwhile much opinion had developed in the Conservative party favorable to a system of direct contribution to the Royal navy, while Mr. F. D. Monk, on the other hand, its leader in Quebec, had come out as altogether against either a Canadian navy or an Imperial contribution. As to this Mr. Borden had said on October 29, 1909, that he stood by the policy of a contribution in times of emergency and for the immediate Canadian construction of a fleet allied and associated with that of Britain. "Canada should be informed by the Imperial authorities as to the necessity for a present contribution and should take no constructive action which was not approved by British naval experts." The legislative proposals of the Government as to the navy —which passed into law during the parliamentary session of 1910—were vigorously opposed by Mr. Borden as utterly inadequate in force and form. They involved the building

of a Canadian navy of eleven vessels costing about $15,000,000 and fitted only for coast defense. The following resolution was moved by the Opposition Leader and defeated on March 9th by 129 to 74, after eighteen Conservatives had supported Mr. F. D. Monk in a defeated amendment proposing a national plebiscite on the subject:

"That the proposals of the Government do not follow the suggestions and recommendations of the Admiralty, and in so far as they empower the Government to withhold the naval forces of Canada from those of the Empire in time of war are ill-advised and dangerous.

"That such proposals cannot safely be accepted unless they thoroughly insure unity of organization and of action, without which there can be no effective co-operation in any common scheme of Empire defense.

"That the said proposals, while necessitating heavy outlay for construction and maintenance, will give no immediate or effective aid to the Empire and no adequate or satisfactory results to Canada.

"That no permanent policy should be entered into involving large future expenditures of this character until it has been submitted to the people and has received their approval.

"That, in the mean time, the immediate duty of Canada and the impending necessity of the Empire can best be discharged and met by placing, without delay, at the disposal of the Imperial authorities, as a free and loyal contribution from the people of Canada, such an amount as may be sufficient to purchase or construct two battleships, or armored cruisers of the latest Dreadnought type, giving to the Admiralty full discretion to expend the said sum at such time and for such purpose of naval defense as in their judgment may best serve to increase the united strength of the Empire, and thus assure its peace and security."

This incident illustrated the difficulties of Mr. Borden's position as a party leader; it indicates the difficulties he will now have to meet and overcome as Prime Minister of Canada. During the whole of 1910 there were rumors in the Liberal press as to dissensions in the Conservative ranks, though on April 12th a Conservative caucus at Ottawa had expressed renewed and unanimous confidence in the leadership of Mr. Borden. Something in the form of a hostile movement against him appears to have really occurred early in 1911, but the leader's tactful, conciliating, and yet firm qualities overcame all these minor obstacles, and he entered upon the elections of the present year as the chief of a united, aggressive, and loyal organization. The fact of the matter is that during the ten years in which Mr. Borden has led the Conservative party it needed him much more than he needed the party; it required his services more than he desired the leadership or political responsibility and power.

During 1910 the vital reciprocity issue had commenced to develop. The United States demanded privileges under the Canadian tariff similar to those given France by virtue of the convention negotiated with Canada in 1908; delegates came and went between Washington and Ottawa, whilst mild threats were interchanged of a maximum tariff on the one side and a retaliatory surtax on the other. Eventually the Laurier Government gave way, a compromise was arranged, certain rates in the Canadian tariff were lowered, and the United States minimum tariff was conceded to the Dominion. As to this Mr. Borden, in a statement issued on May 5th, reviewing the work of the session, said: "Recent negotiations have resulted in certain concessions which in themselves are not of sufficient moment to justify criticism, but which involve a principle that may lead the country into serious difficulties in the future." A speaking tour of Ontario followed, and on May 25th he dealt with this subject and its associated one of British trade relations. After claiming that the Canadian tariff was so arranged that Britain really received but little preference over the United States he indicated Conservative policy as follows:

"We desire the best possible relations with the United States in every respect, but still more earnestly we desire to preserve our freedom of action in the shaping of our Tariff policy. Great questions have loomed up within the Empire during recent years. It is apparent that some great project of co-operation in trade must be soon undertaken. The Empire is entirely unorganized in this respect. If we fetter our fiscal freedom by embarrassing commercial treaties and understandings with foreign countries, what will our position be when the time comes for consummating this essential ideal? The more complicated our Tariff policy and the more numerous our special trade arrangements, the more difficult it will be for this country to take that part in a splendid scheme of Imperial co-operation which her position and importance demand that she should occupy."

Then came the negotiations between Canada and the United States at the close of the year and in January, 1911; the reciprocal trade agreement as to a free exchange in natural products arranged and presented to the American Congress and the Canadian Commons on January 26th; the utterance in President Taft's message as to Canada's having come to "the parting of the ways," which aroused such keen criticism in the Dominion; the succeeding speech of the President on April 27th declaring that "the bond

uniting the Dominion with the Mother-Country is light and almost imperceptible" and that reciprocity would be a force to prevent her from becoming "a part of an Imperial commercial band reaching around the world." During the ensuing debates at Washington up to the final passage of the agreement on July 22d and in the Canadian Parliament up to July 31st, when Conservative obstruction compelled a dissolution and appeal to the country, a multitude of speeches was made, but none had a tithe of the influence in Canada which these two utterances of the President achieved. Mr. J. J. Hill was much quoted; so was Mr. Champ Clark's annexation speech in Congress; but the main and most effective weapon of the Conservative party in Canada was the use of the President's remarks.

During the whole of the year this question of reciprocity was, indeed, the dominant, absorbing subject of discussion. To a small country dealing with a great one it was necessarily a most important subject; to the United States it could not be a question of deeply serious import unless the annexation issue were really involved, as so many Canadians believed to be the case. Public opinion was deeply stirred up. The Canadian Manufacturers' Association, representing an invested capital of $1,200,000,000 and a $1,000,000,000 yearly output, protested vigorously; the farmers of western Canada sent 1,000 delegates to the Government demanding reciprocity and freer trade and declaring themselves to represent an invested wealth of $1,500,000,000; the fruit-growing interests of Niagara district despatched 1,500 delegates to Ottawa to say that reciprocity to them spelled ruin; eighteen leading Liberals of Toronto, representing great financial interests, signed an elaborate protest claiming that the policy was dangerous to Canadian prosperity, unity, self-government, and relations with the Empire; the Liberal provincial legislatures of Saskatchewan and Nova Scotia passed resolutions in favor of the agreement and the Conservative legislatures of Ontario, Manitoba, New Brunswick, and British Columbia passed resolutions against it.

Meantime Mr. Borden had taken a firm and aggressive stand. In Parliament his opposition was vigorous and his party in a condition of keen and fighting energy which proclaimed that under no circumstances would they let the agreement go through until the people had been consulted. During an interval, and while Parliament adjourned to let

the Premier attend the Coronation, Mr. Borden made a tour of the West, and in that apparently hostile atmosphere took the position illustrated in his declaration to the Grain Growers' Association at Brandon on June 21st: "I am absolutely opposed to this reciprocity agreement; so strongly opposed to it that if you were prepared to make me Prime Minister of Canada to-morrow upon condition that I would support that agreement, I would not do it. I would rather sustain defeat in fighting against it than win victory in fighting for it." Such language electrified his followers all over the country, to whom the cue had already been given, so far as definite policy was concerned, in his parliamentary speech of February 9th: "We prefer to keep the resources of Canada for the benefit of the Canadian people. We prefer that provinces shall trade with each other, that Canadian trade shall flow in Canadian channels, and the trade with the Motherland, safe, stable, and secure, shall not be destroyed or impaired. The result of a reciprocity agreement will be commercial union, and commercial union means something else. Every one knows only too well what it means." During the ensuing elections the Conservative leader issued three manifestos addressed to the people of Canada. In the first one, made public on July 31st, Mr. Borden dealt mainly with domestic party matters, fixed some of the causes of dissolution on the Liberals, and dealt with certain charges of corruption against one of the ministers. In the second one, August 15th, he went elaborately into all the arguments against reciprocity and summarized them in part as follows:

"Reciprocity with the United States tends to segregate and separate the Provinces of Canada which confederation aimed to unite, and it thus destroys the very meaning of our confederation.

"It shatters the ideal and the hope of reciprocity within the Empire.

"It brings Canada to the parting of the ways, turns her from the path of Canadian unity and British connection, and leads her along the way to Washington.

"It reverses the policy of Canadian nationhood which sought to bring together the Provinces of Canada by intercourse and commerce over east and west lines of transportation.

"It is a direct and serious menace to our internal lines of water communication and to our ocean shipping, as well as to our Canadian Atlantic ports.

"It makes Canada a commercial appanage of the United States.

"It interlocks our fiscal system with that of the United States, and fetters the power of our Parliament to alter our tariff.

"Its duration is nominally within the control of either country, but actually within that of the United States alone. The conditions of its abrogation would involve so many delicate and difficult international considerations that the stronger party would dictate the terms.

"Its tendency and aims are complete commercial union between the two countries to the exclusion of the rest of the Empire.

"It opens to the United States our home market, which consumes eighty per cent. of our animal and agricultural products. It also has the effect of opening the same market to twelve foreign countries and to all the British possessions, for which we obtain no reciprocal or compensating advantage.

"It abandons the policy of improved trade relations with the British people, our best customers, and centers our hopes on the American people, who are our strongest competitors in the markets of the world.

"It makes an absurd pretense of bringing relief to the farmer by exposing him to the competition of the world in everything that he sells and by continuing the existing burden of taxation on everything that he buys.

"It threatens the existence of our fishing bounties, and takes away our power to give such encouragement to any industry affected by the agreement.

"It will destroy the distinctive character and reputation of our staple products, which will henceforth be merged in those of the United States, and will be known as American rather than Canadian products.

"It exposes our natural resources to the depredations of the gigantic Trusts which have already secured control of those of the United States."

As a matter of party policy Mr. Borden reiterated the chief items in his Halifax platform of 1908. On September 19th, two days before the election, the Opposition Leader issued another address, an almost passionate appeal to the loyalty and honor and Canadianism of the people. Canada a great British nation, standing free of United States entanglements, developing in her own way as mistress of her own destiny, was his ideal. "We must make our choice between reciprocity within the Empire and reciprocity with the United States. And let us never forget that Canada cannot become fiscally and commercially a part of the United States and remain politically a part of the British Empire." To-day, he explained in vigorous terms, Canada was her own mistress; to-morrow she might be merely a commercial appanage of the United States. Canadianism or continentalism was the issue. Mr. Borden on September 21st won the elections, turned a Laurier and Liberal majority of 46 into a Conservative majority of 49, and is to-day Prime Minister of Canada.

In this increasingly important position Mr. Borden now has his opportunity and he must for some time

to come hold a high and interesting place in the interlaced relationship of the Empire and the United States, of Canada and Great Britain, of this Dominion and its sister Dominions of South Africa, Australia, and New Zealand. As to the future policy of the new Government all can guess and speculate; none can speak with dogmatism. Ours is an intensely rapid age, and great changes are pending in all the countries concerned. This much may be said: The spirit of Mr. Borden's party is, in the main, strongly British; the spirit of the majority of the people in all Canadian parties is British; mixed up with this feeling and dominating it and all other sentiments in all the parties is an intense Canadianism. Out of these conditions will come, in time, some form of closer Empire union running in flexible grooves and based upon mutual liberty and obvious loyalty. In this constructive process, slow as it must be and including great issues of trade and tariffs, defense and constitutions, Mr. Borden is eminently fitted to share and to lead. Frank and truthful in public utterance, honorable and honest in public policy, clear and cool in his political outlook, firm and, when need be, vigorous in political attack, deeply British in his opinions yet never jingoistic or extreme, an opponent of continentalism yet in all his utterances a friend of the United States and an admirer of its national greatness, Canadian by birth and instinct and feeling and aspiration, he is an admirable leader at this all-important juncture in the history of Canada.

J. Castell Hopkins.

CANADA'S CONSERVATIVE POLICIES—A REJOINDER

BY THE EDITOR

THE world has seldom beheld a more splendid exhibition of political loyalty or a more striking illustration of the power of sentiment than the electors of Canada afforded when they rejected the reciprocal trade relationship proffered by the United States. That they were fully cognizant of the certain, if not of the continuing, consequences of their action must be assumed. Not only were the vast material advantages which Canada was bound to derive from such an arrangement set forth clearly by the Government which had effected it, but for more than twenty years they had been so generally recognized that the repeated refusals of the United States to entertain the proposal had come to be regarded as unneighborly, to say the least. Indeed, the boon to a country such as Canada, great in area but still so small in population as to be exceeded by the State of New York or Pennsylvania, abounding in resources whose development awaits only free and ready access of products to markets of practically unlimited capacity and demand, was and is too obvious to require demonstration. That the benefits likely to accrue to the United States could be only partially commensurate was almost equally evident. No fact could be more clear than that Canada's rejection of Reciprocity was based, not upon economics, but upon passionate fealty to the mother country, as evidenced by the reported tearing down of the Stars and Stripes and the enthusiastic raising of the Union Jack in various cities upon the night of the great emotional triumph.

The nobleness of Canada's action may not be questioned, for the sacrifice was known to be great. Even so, it re-

mains a question whether the electors comprehended or yet comprehend the full magnitude of their oblation to patriotic feeling. To attain such understanding it is necessary to look to the circumstances and conditions within the United States which finally impelled the acquiescence of the Administration and of Congress.

As in Canada, economic considerations bore little weight in the scales for or against the proposal. The border States opposed it upon the ground of unfair discrimination against their own interests, and high protectionists resisted on general principles. But there was no insistent pretense that the arrangement would wreak serious harm. Nor did any one assume to perceive immediate or substantial gains. Domestic politics was the cradle of Reciprocity in the United States. None will be found to question President Taft's sincerity in initiating and upholding the measure as one broadly wise and beneficent, but there is very good ground to doubt whether it would ever have been negotiated but for the wide-spread disapproval of the new Tariff Act. When the fact became plain that the country did sternly and, almost as a whole, resent that legislation as a breach of faith, two political necessities confronted the Administration. One was to offset the great advantage which accrued to the Democratic party from common dissatisfaction. The other was to confound the recalcitrant Insurgent element within the Republican party by placing its leaders in Congress in a position of embarrassment.

Suddenly, therefore, with no previous intimation, even of negotiations pending between the State Department and the Ottawa Government, the Administration flung the completed treaty—for such it really was—at Congress and complacently awaited the effect of its *coup*. Clearly the Republican Insurgents must acquiesce and arouse the wrath of their farmer constituents or resist and belie their professions. The Democrats, too, must lend their support or disregard the popular mandate for lower rates to which they owed their majority in the House of Representatives. Coincidently the President was offering evidence of his own sincerity and of his determination to obtain tariff reductions by practical, business-like, and effective methods. It seemed, indeed, to be a masterstroke in the political game.

The outcome is well known. The Democratic majority, while preferring a general revision, wisely indorsed the

arrangement as an "entering wedge," and each Insurgent Republican met the situation in such manner as to serve his individual purposes. The bill thereupon became a law and, at a pretty scene designed to become historic, the pen used by the President in affixing his signature was presented to the Secretary of State, in recognition of the adroitness which had achieved so signal a triumph for the Administration.

But there were flies in the ointment. The sagacious Democrats had forfeited no political advantage, and the Insurgent Republicans, though annoyed, had been neither humbled nor confounded. For the first time, moreover, since the day of Andrew Johnson a majority of Republican members of both Houses of Congress had openly, by their votes, repudiated the action of a Republican President. Most serious of all, not only the Republican protectionists, but the Republican farmers, to whose unswerving allegiance every Republican President has owed his election, had become enraged over the presumed discrimination against them in favor of manufacturers.

Such was the trying condition of affairs when President Taft went forth to expound and elucidate the merits of his one signal achievement. There still remained hope that the actual operation of the reciprocal arrangement would disarm criticism, allay apprehension, and prove its utility; but the unexpected action of Canada having prevented the demonstration, and rendered further exposition futile, the President substituted arbitration as the basis of his appeal to the people, and the incident was closed.

Reciprocity in the United States was only a football in the game of party and personal politics. There was never any real public demand for it and never the slightest anticipation of any direct economic benefits to be derived from it except in so far as general expansion of trade, even though temporarily disadvantageous, is supposed ultimately to safeguard the chief interests of a commercial nation.

In point of fact, it would not have been considered at all but for the unprecedented political situation arising from the presence of a Republican President in the White House, a bifurcated Republican majority in the Senate, and a clear Democratic majority in the House. A recurrence of this condition is hardly conceivable. Moreover, with respect to the future, it is plainly evident (1) that the Republican

party in full control could not be expected to renew negotiations which a majority of its members in both Houses of Congress had once rejected and (2) that the Democratic party in power would adhere to its definite policy of making a general revision, putting the Dominion in the same category with Germany, France, and other countries. True, the bill still remains upon the statute-books and might be made effective at some future date by the Ottawa Government's ratification, but obviously this status cannot continue. Not only would it be inconsistent with the dignity of the United States to keep alive an option definitely rejected, not merely by a Canadian ministry, but by the Canadian people; but doing so would tend to perpetuate a contentious issue in Canadian politics and thus become an act of discourtesy, if not indeed of positive unfriendliness on the part of the United States to Canada herself. In due course of time, therefore, and in natural and proper order, the Congress will repeal the Act.

We make succinct mention of these facts merely to indicate and, perhaps, emphasize the greatness of Canada's self-abnegation on behalf of the Empire. She did not merely waive for the time being a chance to obtain trading advantages of inestimable value; she decisively and finally relinquished the one and only opportunity that ever has been or is likely ever to be presented to her.

The Conservative canvass closely resembled one of our Jingo compaigns in the day of the Plumed Knight from Maine. Apparently Mr. Borden and his colleagues did not attempt to belittle the benefits foretold by Sir Wilfrid Laurier; they either ignored them altogether or urged as sufficiently commensurate the "safe, stable, and secure," though necessarily much smaller, "trade with the Motherland." Their appeal was to the spirit of Imperialism and loyalty to Britain. This in itself, though strong, would hardly have prevailed but for the shrewd arousal of fears that some form of enforced annexation might ensue from freer trading. Here was the bogie man, of mien as frightful as any ever painted by Blaine. It is incredible that the Conservative leaders were misled by President Taft's natural phrases or by Speaker Clark's jocularity; but nothing could have served better their purpose, and evidently they made the most of their opportunity, if not to misconstrue, at least to attach undue weight and unmeant significance to

those utterances. Even Mr. Borden paled before his conjured specter of "a commercial union which means something else—everybody knows what." So Canada, trembling and loyal, voted to pay the great price and, incidentally, as further evidence of undying fealty, promised to send to the British Admiralty, "without delay," a sum equivalent to nearly three dollars per capita of population for the construction of two Dreadnoughts of the sea.

What next? Full realization of the new Prime Minister's fondest hope has crowned his fervid eloquence. The provinces are still unforbidden by the United States to trade, each with the other, and the "east and west lines of transportation" are open to "trade with the Motherland." In what practical way will practical England show fitting appreciation of the splendid sentiment manifested by faithful Canada? Pleading for a preferential tariff as partial recompense for "our responsive affection," a distinguished citizen of Toronto asks the most powerful Conservative journal of England to "rise above preconceived ideas and lift this great question of sentiment and Empire above party politics." And the great organ of English public opinion responds, gratefully, that Canada's "high sense of Imperial duty must warm the heart of every true son of the Empire." But it adds firmly though kindly: "We cannot believe that the impoverishment of the United Kingdom can make for Imperialism; for in our opinion Preference, with its consequent forbidding or hampering of exchanges, must tend to waste and impoverishment. Free trade is the foundation stone of our Empire as of our Navy."

Herein beyond a doubt is depicted the true attitude of England, not only as spoken in the present, but as proven in the past. Her heart warms to her faithful daughter, but her stomach yearns for the viands of the United States upon equal terms at competitive prices. And her gracious acceptance of the two Dreadnoughts will be evidence sufficient that "free trade" is indeed "the foundation stone of our Navy."

Question as to the future attitude of the United States remains. "What seems likely enough," complacently observes a writer to the *Spectator*, "is that the United States will, to suit their own purposes, lower the tariff wall on their side and let Canada's natural products in free." How Canada could avail itself of such a privilege without widen-

ing the channels of trade to the South and thus becoming a "commercial appanage," with a yet more hideous fate in store, is a problem which would best be solved by the new Ministry. And yet if, as seems likely, the Democratic party shall be intrusted with power, it surely will be accorded without thought of discrimination of any kind, without rancor or envy or recollection of chagrin, for the very simple and excellent reason that the true feeling of the American people toward their energetic and high-principled Northern neighbors is not only altogether respectful, helpful, and friendly, but wholly untainted by wish for political dominance over a people who have demonstrated a capacity for self-government superior to their own.

THE EDITOR.

CAN THE REPUBLICAN PARTY REFORM?

BY WILLIAM MAC DONALD

From the standpoint of 1912 the crisis which at present confronts the Republican party seems to presage pretty clearly one of two outcomes. Either the Republicans will so far modify their principles and methods as to disarm the criticisms which are being urged with increasing vigor on every hand, and thereby bring back into the fold most, if not all, of the so-called insurgents; or they will nail the old Republican colors to the mast, "claim everything" and concede nothing, and go into the coming Presidential campaign to win or lose under the old standards. The latter course is the one which in the past has more than once snatched victory from what appeared to be certain defeat; the former, for which many profess to hope, has never yet been adopted.

Yet among the numerous class of voters who, in spite of thick-and-thin attachment to a particular party, like to think of themselves as progressive and high-minded citizens, no notion approaches more closely the character of a shibboleth than that embodied in the familiar phrase "reform within the party." Few even of the most confirmed partisans but will admit that the party to which they belong needs, in some respect or other, regeneration; that it has probably erred in some particular, or at some point failed to do its whole duty or to live up to its best impulses; that it is not in all things infallible. Most parties, indeed, take a certain pride in allowing to their adherents freedom of speech in the discussion of methods and candidates. But it is always the party that is to reform itself; such a thing as a change of fundamental principle or of party allegiance, or, most of all, the formation of a new organization, is not to be thought of. There is not in existence to-day an organized movement for the abolition of political corruption or

the punishment of political misconduct which has not to contend with the stubborn refusal of "leading citizens" to have anything to do with it, if, in so doing, they must step outside of their party lines.

Is there anything in the history, the spirit, or the personnel of the Republican party that gives reasonable ground for believing that it will meet the present crisis by reforming itself?

The Republican party was fortunate in its beginnings. It came into existence at the moment when the Democratic and the Whig parties had failed conspicuously to satisfy the conscience of the North, and, for that matter, of large sections of the South, on the question of slavery; and when a quickened industrial development following a period of low tariff, increasing foreign immigration, railroad expansion, and the opening of the West, were breeding a pronounced demand for protective duties. With protection and free soil as the chief planks in its platform, the party had assured standing from the first; while the fact that neither protective tariffs nor the restriction of slavery could be attained save by the application of loose-construction principles, linked it historically with the great Federalist party, which had organized the government on a working basis and given to Federal administration and jurisprudence a permanent bent.

From the standpoint of party permanence and effectiveness it was fortunate also in the experiences which soon befell it and in the membership which it attracted. The Civil War, with the abolition of slavery, the stimulation of industry, the wide sweep of taxation internal and external, the bold issuance of bonds and paper money, and the overwhelming defeat of the South in the field gave to the Republicans the proud distinction of having met with imposing wisdom and energy a great crisis and of having saved the Union—a distinction which, for twenty years and more after the war, served as one of its principal campaign weapons. Naturally, too, there were drawn to its ranks an overwhelming majority of the men who from one cause or another had a "stake" in the national welfare: bankers and speculators, protected manufacturers, railroad managers or promoters, lawyers in pursuit of a lucrative corporation practice, office-seekers great and small, and many others who in various ways or for various reasons sym-

pathized with a government which, in spite of its dogmatism and extravagance, was obviously efficient. It was many years before either the Democratic party, burdened with the odium of a former identification with slavery and secession, or any third party was able to perfect an organization or win a support that could threaten seriously the party of the "bloody shirt" and the "interests."

It is the way in which this party of distinguished achievement and influential support has consistently met opposition within its own ranks, however, that is particularly instructive in relation to the possibility of reform to-day. The Republican policy of reconstruction, for example, arbitrary and high-handed beyond almost anything that the history of modern representative government can show, and violative at some of its crucial stages of both the letter and the spirit of the Constitution, aroused in both the rank and file of the party wide-spread and determined opposition. Did the party concede anything to its opponents? On the contrary, it insisted upon the unimpeachable soundness of every principle it had laid down, terrorized or fettered the Supreme Court, destroyed the power of the Executive and all but removed the President, read out of the party thousands of able men who differed from it, and carried through to the last item its whole programme. So far as reconstruction was concerned, "reform within the party" had not the substantiality of an iridescent dream.

The Liberal Republican revolt of 1872 was crushed and rendered impotent, partly, to be sure, by the vagaries of its leaders, but far more by the solid organization and unwavering dogmatism of the Republican party. The Independent movement which dates from the first Cleveland campaign, far from inducing any important modification of theory or practice, was denounced as treason and madness, and its adherents, most of them formerly Republicans in good standing, were held up to public ridicule or hounded out of public life. The willing surrender of the party to the demand for higher and higher protection is too much a matter of current knowledge to need discussion here; but it is worth while to recall that the demand for revision downward, in the interest of the consumer and of the people at large, goes back as far as 1882, a period of nearly thirty years, and has been denounced and resisted by authoritative Republican spokesmen wherever and whenever it has shown itself.

One might easily make a long catalogue of the issues—civil service, currency reform, the regulation of interstate commerce and the trusts, the abolition of corruption in Federal elections, the reform of the departmental service at Washington, the repression of Philippine outrages, the conservation of natural resources—which during the past generation have come to the front, and in regard to which the Republican party has been accused by its own members of misconduct or neglect. Everywhere and always the attitude of the party has been the same: either indifference to substantiated charges, or half-hearted enforcement, or blind persistence, or open refusal to see or act. With a few exceptions, it is only in those matters in which the "interests" were vitally concerned that abuses have been reformed or the enforcement of law vigorously attended to; and when the party has bowed to the storm, as more than once it has had to do, it has been only to return to its old historic position when the force of the gale had passed.

If the history of the Republican party in the more than fifty years of its existence teaches anything, it is that what the party has been in the past it will continue to be in all essential respects in the future—perhaps not so very long a future—that is left to it. In politics, as in most other matters, the only safe guide is the lamp of experience. Men will, indeed, hope for change; some will even fondly pray for it; but we may not in reason expect it. The Republican party cannot change its nature; it is what it is; it will be only what it has been.

And why? For answer one has but to study the personnel of the party and the political and social conditions which it has helped to create. It was inevitable, as has been said, that a party of administrative efficiency and vigorous initiative should draw to its support men with a "stake" in the community; men whose business or income or official position depended not only upon the original policy of the party, but also, and increasingly, upon the continuance of that policy. The Republican party has not asked its adherents to serve it without pay or from an altruistic devotion to the common good. On the contrary, it has distributed very substantial rewards of money and power, and the recipients have been in turn its mainstay. By a perfectly natural process of action and reaction the party which at the outset had to win supporters is now

the creature of its supporters, its life bound up inseparably with the interests of those whom it has benefited.

All this means, of course, that the Republicans, like the older Federalists, are essentially an aristocratic party, representative of the classes rather than of the masses. They stand for "interests," not for people; for undertakings and enterprises, not for general welfare; for personal or class ambitions, not for a universal good. I am quite aware that such is not in many quarters the popular conception, nor at all the consecrated official view. But it is not without significance that the Republican party, save in the insurgent section of it, is no longer as it once was the party of young men; that wage-earners, salaried workers, and small tradesmen trend in ominous numbers toward other folds; that political and social reformers find its leaders and its machinery among their principal hindrances; that few great newspapers now dare sail openly under its flag; and that a portentous number of the so-called intellectual classes express for it hostility or contempt. The significant thing is that such a condition is in no respect unnatural or peculiar: it is the story of every party, in every country, which has ceased to be a party of moral ideas and popular appeal, but has become instead a party of class interests, vested rights, and intrenched wealth.

Such a party, we may be sure, will not reform itself, for the sufficient reason that it cannot. The Republican aristocracy of protected privilege is not a soil from which springs an effective desire for reform. Nor would a radical modification of some of its chief tenets, even conceding that that were possible, be likely to strengthen it; for its tenets are of its warp and woof. The Democratic party is a warning example of a party which, having surrendered something of its historic views of State rights and strict construction, and embraced much of the loose-construction policy of its opponents, is no longer definitely one thing or the other. Unless the Republican organization is captured by the insurgents, and the party name retained to grace a party which it does not in fact describe, the party of Lincoln and McKinley and Taft will go into the campaign of 1912, as it has gone into all similar ones, claiming everything, conceding nothing, and standing or falling by its historic standards and ideals. It cannot reform itself and remain Republican.

William MacDonald.

INTERDEPENDENCE OF POLITICAL AND MILITARY POLICIES

BY MAJOR-GENERAL WILLIAM H. CARTER, U.S.A.

"In every well-balanced development of nations, as of individuals, the warlike instinct and the military point of honor are not repressed and extinguished, but only refined and civilized. It belongs to the pedagogue, not to the philosopher, to declaim against them as relics of barbarism."—PARKMAN.

THE military policy of a nation is fundamentally dependent upon its political policy. The lamented John Hay, late Secretary of State, has thus tersely stated this relation:

"War and politics, campaign and statecraft, are Siamese twins, inseparable and interdependent; to talk of military operations without the direction and interference of an administration is as absurd as to plan a campaign without recruits, pay, or rations. Historical judgment of war is subject to an inflexible law, either very imperfectly understood or very constantly lost sight of. Every war is begun, dominated and ended by political considerations; without a nation, without a government, wthout money or credit, without popular enthusiasm which furnishes volunteers, or public support which endures conscription, there could be no army and no war—no beginning nor end of methodical hostilities."

Faultlessly and concisely stated, these are the obstacles which confront all organizations and societies for the prevention of war. In the face of accumulated and presumptuous wrong, affecting the commercial or political rights of a nation, all fine-spun and academic arguments against war are swept away in the rising tide of public opinion, against which parties and governments are as chaff before the wind. It was this state of the public mind that Washington portrayed in his Farewell Address:

"Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions occur. Hence frequent collisions, obstinate, envenomed and bloody

contests. The nation, prompted by ill-will and resentment sometimes impels to war the government, contrary to the best calculations of policy. So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, ... leads to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will and a disposition to retaliate, in the parties from whom equal privileges are withheld."

It is the acceptance of these unalterable facts that brings to the front, in each generation, those who contend for a military policy adapted to the genius of our political institutions. The ever changing elements controlling a Republican form of government seem absolutely athwart the path of a consistent policy, sufficiently enduring to insure a guarantee of military efficiency. Nevertheless, there is a steadily increasing sentiment that a reasonable preparation for probable contingencies is the surest guarantee of peace. It is this sentiment which has brought about the reconstruction of the fleets, which in twenty years have passed from a state of absolute and shameful mediocrity to a high plane of efficiency, creditable alike to American shipyards and a superb naval personnel.

Nothing succeeds like success is an old and trite adage, but that the very reverse is true in the upbuilding of military policies is continually exemplified in history. Out of defeat and humiliation have come some of the most perfect systems of military organizations and administration. In our own country the subject of a sound military policy was never seriously considered until the repulse of the American forces in Canada aroused the Continental Congress to the emergency and directed attention to the urgent need of a war office.

On January 24, 1776, a committee of Congress was appointed to consider the proper military policy to meet the needs of the young nation, and after six months of delay, the report of the committee, which recommended a "Board of War and Ordnance," comprising seven members, was adopted.

The duties of the Board were to superintend the raising, equipping and dispatching of the forces called into the service of the United Colonies. With that jealousy of the military arm which has characterized so much of the political opposition to any effective policy, Congress, by reso-

lution of October 17, 1777, established a new Board of War to consist of three persons, not members of Congress, with substantially the same duties as previously assigned to the committee of seven, with a proviso that *every member of Congress should have free access to the records of the Board.* Two members of Congress were later added to this Board.

It was not until February 7, 1781, that Congress authorized the office of Secretary of War, and General Benjamin Lincoln, the first to serve in that capacity, was not chosen until the following October. The development of the functions of the office proceeded apace, and on January 27, 1785, Congress passed an ordinance for ascertaining the powers and duties of the Secretary of War. Coming into existence when the Colonies were battling for liberty, and being held responsible for the distribution of troops among the Colonies, as well as for the adjustment of all questions of rank and precedence and the settlement of accounts, it is remarkable that so satisfactory an administration became possible. As there was no provision for a Secretary of the Navy, the Secretary of War administered affairs for the sea, as well as for the land forces.

From such a beginning has come the great office which, in late years, has been heavily burdened with duties of vast import having little or no bearing upon the conduct of the army, and assigned to the Secretary of War because through more than a century a system of administration and accountability had been developed which gave assurance that great works committed to the Department of War would be faithfully and honestly executed.

Within the War Department itself there was no authoritative body in early years whose particular province it was to formulate military policies or exercise prevision with a view to advance preparation. Matters therefore drifted while the nation adjusted itself to new political conditions and recovered slowly from the waste and losses of the war for liberty.

The history of the first years of the Republic were filled with international bickering and fraught with danger, but it was not until the closing years of the century which had witnessed the birth of the French Republic that a conflict with our former allies seemed inevitable. It would have been a melancholy memory, with later generations of Ameri-

cans, had the pages of history been thus early blotted by war with the veterans of France who had so nobly espoused our cause at the critical period of the Revolution, then less than twenty years away. War was averted; there came out of the preparation, undertaken at great cost and directed by Washington, Hamilton, Pinckney, Knox, and others, some most valuable instruction, but there was not in the War Department any individual or group capable of recognizing and perpetuating useful and basic elements of military policy.

Hamilton, who formulated much of the valuable military literature of that period, wrote despairingly to the Secretary of War under date of June 27, 1799:

"It is a pity, my dear sir, and a reproach, that our administration have no general plan. Certainly there ought to be one formed without delay. Among other things, it should be agreed what precise force should be created, naval and land, and this proportioned to the state of our finances."

The hurried and expensive preparation for a war which never took place seemed to lull the authorities to a sense of security once more and this continued, notwithstanding the humiliation of the intervening years, until the War of 1812 was actually upon the nation. The campaigns of this war left our people with a sense of being not only without a sound military policy but of having lost the art of war. However, time and the memory of Jackson's success at New Orleans, soon mellowed the sense of defeat. The only policy coming out of our bitter experience was embraced in a system of harbor defense and the selection of naval stations under the advice and guidance of the distinguished French officer, Bernard, who, in turn, was Engineer, Aide-de-Camp to Napoleon, Chief Engineer of the French Army, and who closed his career as Minister of War of France, to which office he was appointed after his return from the United States. For sixteen years following Waterloo, this distinguished officer held a commission of brevet brigadier-general in the Corps of Engineers of the United States Army and devoted himself to developing the system of permanent fortification on which we placed dependence until the advent of smokeless powder and breech-loading, high-power rifles.

Our isolation and the rivalries of European nations have served in the past to guard us from the usual result of

neglect of military policies. All our energies have been directed to the development of a vast agricultural domain and the upbuilding of infant industries. This devotion to the production of wealth, while neglecting the initiation and conservation of any military policy whatever, has served periodically to subject the nation to humiliation, which diplomacy could assuage only with questionable balm—an anesthetic without an operation.

Beginning with Washington and Hamilton and coming down the generations, many talented officers have studied and striven for an effective military policy adapted to the needs of the nation. Individual effort sometimes seemed successful, but inertia invariably followed cessation of personal activity. In commenting upon the helplessness of individual effort, Elihu Root, in an address delivered upon the occasion of the laying of the corner stone of the Army War College, said:

"Only an institution perpetual, but always changing in its individual elements, in which, by conference and discussion, a consensus of matured opinion can be reached, can perpetuate the results of individual effort, secure continuity of military policy, and command for its authorized, conclusive expressions of military judgment upon military questions the respect and effectiveness to which that judgment is entitled."

In this same address a well-deserved tribute was paid to the memory of the late General Emory Upton, whose published studies and conclusions as to the results of our failure to adhere to a wise military policy, throughout the last century, have become classic in the minds of military students. After a painstaking review of the details of our wars, General Upton proposed a system involving these features:

"The regular army in time of peace to be organized on the expansive principle and in proportion to the population, not to exceed one thousand in one million;

"The national volunteers to be officered and supported by the government, to be organized on the expansive principle and to consist in time of peace of one battalion of two hundred men to each congressional district;

"The militia to be supported exclusively by the States and as a last resort to be used only as intended by the Constitution, namely, to execute the laws, suppress insurrections, and repel invasions."

In all his studies of our military situation General Upton had in mind the limitations existing under conditions prior to 1898. It was little dreamed in his day that the war with Spain, undertaken solely to remedy conditions in the island

of Cuba, would bring in its wake such complications as the military occupation and civil government of distant islands bordering the China Sea, to be soon followed by the construction and fortification of the Panama Canal. These constitute political elements requiring deep study and broad consideration in connection with and as part of any military policy which the nation may establish.

In the not distant past the main functions of the regular army were embraced in guarding the movement of our ever advancing frontiers, westward into and over the country claimed as hunting grounds of the Indians, and in keeping alive a knowledge of the art of war in a nation given over body and soul to business.

Following the Civil War with some two million men recently released from service who, in the natural order, would be available for military service for many years, there was then no anxiety concerning a military policy. The army was steadily reduced until the question arose, some ten years later, as to what should be the fixed policy concerning the regular army, dependence being placed upon volunteers for any possible war. A committee of Congress was appointed to consider the subject and, in 1876, announced that:

> "Our Army is viewed as a nucleus wherein is to be acquired and preserved military knowledge, and from which should radiate the elements of instruction and discipline, thus to form in time of war a competent force endowed with talent to direct it as a whole, and provided with agencies capable of grasping the responsibility, organization, and distribution of numerous supplies necessary to the conduct of successful military operations."

It will be observed that this is not an announcement of military policy nor is there suggestion of any political policy. It is merely in the nature of a recommendation to Congress to regard the regular army as a school of instruction. There was no suggestion of any plan for passing the trained regulars into a reserve, nor was there any apparent thought of a peace organization capable of expansion automatically in war. For more than thirty years following the Civil War this view of the committee of Congress prevailed, while the army dwindled to less than 20,000 men, representing skeleton organizations of the line. Beyond the adoption of a scheme of harbor fortification, the little regular army was left without material change to guard the development of an empire in the West and to keep alive the military art until

war was actually declared with Spain. There had been no policy other than that dictated by expediency of the moment, and so 1898 found the country incapable of putting a single Army Corps in the field, until volunteers could be brought into service.

A brief and successful war in former times would have been followed by self-satisfaction sufficient to cause all defects of our system to be ignored. The public press, however, had found so much fault with the conduct of the war with Spain that a commission, composed of veterans of the Civil War, was appointed to investigate conditions. After taking many volumes of testimony, certain definite recommendations were made, but they fell far short of diagnosing the case. The insurrection in the Philippines distracted public attention for a time, but the sense of public duty had been too deeply aroused to permit it to drift into somnolence without some effort in the direction of a policy in event of future call to arms.

For more than a hundred years Presidents had periodically invited the attention of Congress to the fact that unless a system or policy for organizing our military resources should be adopted in time of peace, the legitimate consequences would be initial defeat, humiliation, and greater cost due to preparation of men and material during the existence of a state of war.

Immediately following the war with Spain the War Department was burdened with the need of restoring order in widely separated and sparsely settled islands, recently acquired. This was scarcely accomplished before the urgent need in Peking demanded the preparation of a division to join the allied armies marching to the relief of the foreign legations. A reorganization and increase of the army became imperative. It was undertaken with a view to meeting immediate needs, but the opportunity was availed of to present to Congress certain principles recognized as essential, not only in actual war, but when war is imminent. While there was some inclination to press one of General Upton's suggestions—that which proposed the strength of the regular army to be fixed at one man for each thousand of population, it was soon found that the true principles underlying a military policy would not admit such an abstract principle. The army had ceased to be merely a school of instruction and was confronted with grave problems in various parts

of the world. Its strength must needs be fixed not only to preserve a knowledge of the art of war but to perform immediate and important active service.

To meet a pressing need in an economical manner, it was proposed that the legislation for the army should embrace specific authority, in emergencies, for the President to increase the number fixed for each unit of organization to war strength. After much debate this was allowed to become the law, but with the restriction that the entire force, including Indian and Philippine Scouts, should not exceed, at any time, one hundred thousand men. This authority was a distinct advance in the line of a fixed policy, for it enables the War Department to meet exceptional conditions by temporarily increasing the strength of a particular regiment wthout the expense incident to transporting additional organizations. Other details of army organization were injected in the new law, not material, however, in the sense of a broad military policy.

For a century and a quarter public documents have recited the needs of any nation which holds the militia system as the cornerstone of its military policy. With the passing of border warfare and the vast growth of agriculture and industrial interests, citizens generally no longer possess a knowledge of firearms. For training in camp life and the use of the rifle an organized force is absolutely essential. Changing conditions have been the subject of periodical consideration by committees of Congress, and out of innumerable compromises have come the laws under which we are moving on to the next war.

No nation has a more intelligent personnel from which to draw its armies, nor better arms, equipments, and stores than those available amongst what may be termed our unorganized military resources. The extent to which the Nation should go in the organization of its military resources in time of peace is dictated by its political policies. At various periods of our history we have grown accustomed to slogans such as "54–40 or fight," but as to steadfast policy carrying possible consequences of a belligerent character, the Monroe Doctrine stands solitary and alone. Our ability to successfully defend this policy, if seriously questioned, will depend much upon the aggressor and the time allowed for preparation.

The only existing system which may be called a war policy

is that under which we are spending some millions each year to develop the militia of those States which may desire, or are willing, to participate in the distribution of appropriations. The results of the system are an infinite advance over the old militia system, so far as better trained organizations are concerned, but that it falls short of our elementary needs is patent to every student of history. The whole subject needs a thorough revision at the hands of a mixed commission of legislators and military men.

How to devise a proper scheme without sacrificing the good that has been accomplished under the new laws is a problem, the correct solution of which means much for the Nation. Many wise and deep students of our system of government believe that certain defects are inherent in any system which places dependence upon military organizations not under the absolute control of the Nation at all times. It was this belief that caused the insertion of the sections in the bill for the revision of the militia laws some eight years ago, which provided for a separate body of volunteers under the control of the general government and with officers appointed by the President. The section authorizing the men was defeated and the one authorizing the officers should have gone out with it, since it is of no practical value alone.

The new militia law has now been in operation long enough to show its value as part of a national policy. The law under which each citizen now enlisting in the organized militia binds himself to obey any call to arms without regard to State borders, insures the presence of all the most courageous in the first line of a small war. Should the war continue, volunteers will be called into service. The way in which history will then repeat itself may be exemplified by a petition to the Virginia House of Delegates from the officers of the Minute Battalion which had obeyed the first call of the Revolution:

"*To the Honourable the Speaker of the House of Delegates:*

"PORTSMOUTH, *Dec'r 1st, 1776.*

SIR,—In expectation of there being a Number of additional Troops Raised, who are to be on Colonial Establishment the officers of the Minute Battalion now in service beg leave to address your Honourable House, on a matter of infinite importance to themselves.

"The disadvantages, under which they came into their present Service hath occasioned them to suffer exceedingly in their private Fortunes—especially as they have been continued much longer, than they

at first expected—disadvantages which nothing but the calls of an injured Country would have induced their subjecting themselves to.

"You will not conceive them trivial when you consider that it was in Midsummer, when every preparation they had been making for Crops, were in their progress to perfection—& lost by leaving them. Even, under *these* circumstances, it is still their fervent wish to continue in the service of their Country: in posts of equal Rank, with those they have the honour now to fill.

"Confined to their duty at this place, they were totally prevented from offering themselves as Candidates in their Respective Counties, by personal application—(the only successful mode) at the choice of officers for the Six Regiments now Raising on Continental Establishment.

"You will conceive it a hardship for the officers of the Battalion; now to be obliged to return to their Counties, fall into the Militia as Common Soldiers & at a future day be called into service, among the common mass —under the command of those, who remained at Home enjoying every conveniency of life—whilst they were sacrificing both happiness & fortune.

"These sentiments they take the liberty of communicating through you to your Honourable House—& have the honour to be, Sir,

"Your very H'bl Servants,"

The inherent defects of any military system which depends upon the legislative and executive action of near half a hundred sovereign States, varying in size from a few square miles to an empire in extent, should be apparent to the merest novice. Nothing but nationalizing the military resources of this country will conform the military policy to the execution of political policies. This can be done only by a return to the principles of the original act for reorganizing the militia in 1903, and extending the legislation to include a national volunteer force, leaving the organized militia to its duties prescribed under the Constitution. No plan which fails to utilize in such a volunteer force the trained officers and men of the organized militia should be considered.

The ideal but probably unattainable military system for this Nation would be one in which every young man would be required to receive instruction in the militia as a prerequisite to exercise of his right to vote at State elections, and from those completing such service should be enrolled the national volunteers in each congressional district. In this way a body of men between the ages of 21 and 35 would be available, in conjunction with the regular army, to execute national policies without dragging from their homes the militia organizations which will always contain men who should not, for the common good, be taken for distant service—the immature boys, the physically defective, and

married men whose families would be left as a public charge. The Congress which enacts legislation, which in conjunction with that of the States will put into operation such a system, will go down to history as having given a greater guarantee of peace than any previous action in our existence as a Nation.

In his inaugural address President Taft said:

> "We should have an army so organized as to be capable in time of emergency, in co-operation with the national militia and under the provisions of a proper national volunteer law, rapidly to expand into a force sufficient to resist all probable invasion from abroad, and to furnish a respectable expeditionary force, if necessary, in the maintenance of our traditional American policy, which bears the name of President Monroe."

There is no suggestion of so-called militarism in this recommendation. There is no proposed competition with other nations by the inauguration of an extravagant military system to safeguard dubious political policies. It is but a direct and plain-spoken appeal for the organization of our military resources in such manner that other nations will comprehend and not heedlessly provoke war.

When the veil is lifted from the tangles of diplomacy even the most conservative and peace-loving nations sometimes find themselves enmeshed in the vagaries of contrary policies. The complications arising from an immigration policy with a closed door and a commercial policy of the open door furnish our public officials with practice in mental gymnastics that would be much simplified if our political and military policies were kneaded into one. And so the world goes, and will continue to go, down the ages, utilizing all the subtleties and refinements of diplomacy to gain advantages, the one nation over another, in order that its people may prosper. If this may be accomplished without resort to force, well and good. But if diplomacy be not successful it avails nothing to appeal to the moral sentiment of other nations. The Constitution, born of a liberty-loving and God-fearing people, and the beacon of hope to millions of freemen yet unborn, gave the Congress absolute power to raise and support armies and, if needs be, to demand the military services of every citizen and to levy upon every species of property in the hour of its peril. That this mighty power shall be wielded through the medium of a carefully wrought out and wise policy, may well be the concern of every American citizen. WILLIAM HARDING CARTER.

THE PASSING OF THE MANCHUS

BY STEPHEN BONSAL

Confucius taught the rulers of China in his day not to conquer the surrounding tribes by force, but by demonstrating to them the benefits of model government. In his day Confucius was right, and for many generations afterward his gentle theory was of practical force. The outside barbarians came voluntarily into the civilized fold, and Chinese civilization held sway from the Arctic Sea of Eastern Siberia to the Burmese shores of the Indian Ocean. "Accretion, not annexation," was the Chinese policy many, many centuries before the Hon. Edward Everett became Secretary of State.

Sixty or seventy years ago, about a cycle as they count it in Cathay, China first came in contact with the western world that finds Confucianism very interesting but quite unrelated to practical politics. This new contact has been very costly to the Chinese. They have paid across the counter to the representatives of the new civilization one thousand million dollars in compensation for wrongs and injuries which they perhaps have never consciously inflicted. This pecuniary atonement has not been accepted as payment in full; one by one the Chinese provinces have been absorbed by the predatory powers, and the area of China has in the last century been reduced by over sixty per cent. Russia has absorbed Eastern Siberia and provinces of Manchuria. Japan has taken Korea, provinces of Manchuria, and Formosa. France has taken Annam, Tonking, and Cambodia. England has annexed Burma and sections of Tibet; while Germany, to conclude a by no means complete list of our depredations, has raised its flag and mailed fist in Shantung, the very heart of China and the home of Confucius, "the saint and first teacher of men."

For a long time the obvious lesson of this intercourse

with the West was lost on the Chinese, but there came a day of awakening and with it the Boxer movement, which threw the world into consternation. Now there are many people in China who know that the Boxer movement might well have run its course without serious internal troubles or international conflicts, as did our own Know-Nothing movement, had not the envoy of a certain European power coveted for his legation the club-house of a powerful South China business guild in Peking, and by means of pressure on the Foreign Office dispossessed its members; and had not another envoy taken pot-shots at those who marched in a demonstration which was certainly hostile to foreign influence but which as yet had not shown its hostility by overt acts. I merely mention these incidents to show that the Manchu dynasty in China that has permitted such things to be is but the present target of the Chinese revolution and not its ultimate aim and object. We would do well to remember that these millions of people who have been at last aroused, who at last are asserting themselves, who seem to have escaped all the time-honored checks and balances, are animated by no feeling so strong as that of well-founded distrust of, and a not unnatural hostility to, the practices of our civilization.

Fifteen years ago the press in China was represented by the aged, the solitary, and the extremely occasional Peking *Gazette*. To-day there are three hundred dailies, many of them enjoying wide circulation and the profits and power that it brings. In different ways and in different tones they have all preached the gospel of change, perhaps of revolution; differing as to detail, they are all extremely nationalistic in their views and against provincialism and sectionalism—the cause of all China's infirmities. According to the new press, "between the four seas all men are born brethren" and beyond are the raging heathen, the robbers, the mercenaries of the predatory powers. For us, I regret to say, no exception is made, the anger caused by our exclusion acts having blinded the great mass of the Chinese to the generosity and uprightness with which our government has frequently acted toward the children of Ham. Our remission of more than half of the indemnity which we assessed the Chinese to pay for the damages alleged to have been inflicted by the Boxers was a very high-minded innovation in dealings between nations, and the

Chinese Throne rose to the occasion by decreeing that the remitted sums should be spent in educating young Chinese in the schools of the United States. This is very pleasant all around, but at the same time we should not be blind to the interpretation that the new press has placed upon the incident, and which finds, I think, very general popular approval. According to this we are only returning part of the money which, while allied with the predatory powers and in China's hour of need, we extorted from her. This new press has certainly, superficially at least, converted China into a nation. These young editors have contrived a national flag and all the outward symbols of patriotism. They have even concocted a national anthem which is sung by millions of people. The front page of one of these up-to-date and by no means unobservant journals bears the legend which hundreds of thousands read every day, "You can take anything you want and get away with it—if you have the big ships, the big guns, and the big battalions."

The Manchus, whose rule is so seriously threatened, reached Peking for the second time in the year 1644 and founded the Ts'ing dynasty, which, with varying fortunes, has prevailed in China until to-day. The leaders of the invasion from the North were, and their descendants of to-day are still, in a sense, able men, but the rank and file of their followers, pauperized by pensions and leading lives of enforced idleness, have sadly deteriorated. To-day, as has been the case ever since the Manchu conquest, the main burdens, as well as the honors of the administration, have been in the hands of the subjugated Chinese. Practically the Manchus have not overrun the great Middle Kingdom, but its inhabitants have absorbed the Manchus. "China is a sea that salts all the streams that flow into it" was the saying of one of the Chinese sages who was certainly an observant and thoughtful student of his country's history.

The leading men in the Empire of this generation have been Li Hung Chang, Liu Kun Yi, Chang Chih Tung, and the apparent present arbiter of his country's destinies, Yuan Shi-K'ai: they are one and all Chinese of the Chinese, without one drop of Manchu blood in their veins, and they have all, apparently, been loyal to the alien dynasty.

From the day of the Conquest and the elevation of the first Manchu to the dragon throne of the Mings there has

never been a day that China was not honeycombed, as she is to-day, with anti-dynastic conspiracies and nationalistic secret societies; but up to the present, with rare cunning, the Manchus have always been able to divide their enemies by means of the provincial jealousies until recently so powerful; and when the disaffected took up arms and went out into open rebellion they have never had much difficulty in putting down and decimating Chinese rebels with the aid of Chinese troops. No one family whose exploits have left an impression upon the history of the world has better learned or more successfully practised the axiom of the ancients, "Divide that you may rule," than have the successive leaders of this uncouth and boorish Tartar clan which, by excellent strategy and rude force of arms, imposed itself nearly three centuries ago upon the Chinese, who were fatally lacking in the sense of organization and in the military spirit.

The military control of the Empire was from the beginning until the last few years—indeed, until the last few months—exclusively in the hands of the Manchus, and it centered about and was directed from Peking, the northern court. Here the Military Governor, or "Lord of the Nine Gates," was always a member of the Imperial Manchu family or clan; the capital was always policed by Manchu soldiers; and of these, without including the twenty to thirty garrisons scattered through the Empire at the centers of population or strategic points, such as Canton and Wu-Chang, there were and are nearly half a million Manchus living in the Tartar quarter of Peking or in suburban villages and cantonments near at hand. The members of this military caste from birth are enrolled under one of eight flags or banners and are entitled to a government stipend. The paper organization of the bannermen was excellent; it still showed the simplicity and the military spirit of the conquerors, but their discipline was *nil* and their drill antediluvian. While some of the Manchu garrisons, which were abolished on paper eighteen months ago but still are maintained as a matter of fact, are now armed with repeating rifles and possess machine-guns, until quite recently the bannermen could be seen under the north wall of Peking practising a charge in the "infuriated tiger formation," while near by the Manchu boys were learning to be bow-and-arrow soldiers and being taught that the fear-inspiring grimace

with which the bow was drawn was the thing rather than the aim.

Every Manchu who drew a pension was, of course, liable to military duty; but, as a rule, he only appeared at quarters on possible pay-days. The payments, which did not always take place according to schedule, were made under the supervision of captains who, as they never came in contact with their men, and consequently could not know them by sight, had devised an ingenious method to keep the impostor out of the military fold. It was devised a great many generations ago, but is honored in the observance to this day. Each bannerman was given a notched hard-wood stick which fitted into another stick that was retained at quarters. Whoever presented himself with the fitting stick drew the pay apportioned without any awkward questions as to the military services of which the notched and gnarled stick was not only *prima facie* evidence, but the indisputable proof.

The relations of the bannermen, these hereditary pensioners to the commonwealth, is interesting and important, too, as revealing the subtlety of the Chinese and the very successful way in which they matched wits with their conquerors. As always, the Chinese took the cash and let the credit go. On paper the Chinese were groaning under the exactions of the invading horde. Moving pictures were drawn of the industrious Chinese who, while engaged upon their own sharp struggle for existence, had to support several million drones of the Manchu stripe. "We give them money and we give them rice in addition!" How often have I heard the Chinese reformer complain. As a matter of fact, the business-like Chinaman, though subjugated, practically starved his conqueror to death, both mentally and physically. Nine-tenths at least of the Manchu tribute stuck in the hands of the Chinese officials through whom it passed, and a ship-load of the tribute rice from Canton could often be comfortably contained in a sack when it reached the capital. In this way the common herd of the Manchus were condemned to penury. They were too lazy to work and often, though not always, too proud to beg. They accomplished wonders in the matter of economy, and even in the stern climate of Peking bannermen have been known to subsist a family of five upon the sum of one dollar per month.

The Court and the ranking members of the Imperial Manchu clan have other means of support through which

they have accumulated the large reserve fund which may yet exert a decisive influence upon the course of events. To the Court and the clan treasurer expectant office-holders had to bring rich gifts if their expectations were ever to be realized. Actual office-holders and men to whom the taxes were farmed had to pay to those who were near the Throne large percentages of their profits, and it was with these same people that those office-holders who wished to retire, if they would hope to do so without molestation, would have to share the accumulated results of their exactions and robberies.

All the politics with which we are at present concerned began in China in 1896, when a group of daring, if intemperate, reformers went out among the people telling them of the disastrous and humiliating results of the war with Japan and bringing home the responsibility where they thought it belonged—namely, to the incompetency of the Imperial clan. With wonderful courage one of these reformers, Kang Yu Wei by name, penetrated to the Throne and told his tale as frankly as if he were addressing crowds of coolies. Strangely enough, it fell upon receptive and sympathetic ears. For a few months the purple and Forbidden City was aghast with rumors of impending changes; then, as suddenly as it had begun, the dream ended. The Empress Dowager, by a state stroke in which she utilized the services of Yuan Shi-K'ai, took charge and consigned the sickly but well-intentioned Emperor to the little island prison within the palace precincts, where he remained for several years.

It is difficult to explain Yuan Shi-K'ai's activity at this moment. By it he certainly earned the implacable hatred of the present Prince Regent, a brother of the deposed Emperor, who was treated with such harshness, as well as the hatred of the radical wing of the reformers, who are now in open revolution and will apparently consent to no solution of the present difficulties which does not eliminate from the situation the Manchus as a dynasty and as a tribe. Yet the former great Viceroy of Shantung is a practical reformer without great enthusiasm and with but few illusions, and he has fathered all the reforms which have thriven in China during the last decade. He is not in love with the new methods and is certainly distrustful of the new men. He will oppose the headlong reforms which are demanded in

such strident tones to-day, and will, up to a certain point, insist upon the retention of the reigning family, though shorn of much of its power. While Yuan Shi-K'ai has the respect of many factions among his countrymen and enjoys the good-will of all foreigners, dating back to his efficient administration of Shantung during the Boxer year, an awkward complication of the situation that cannot be glossed over is to be found in the fact that the Prince Regent will never forgive him for his treatment of his brother. So it would appear that the pillars of law and order in China to-day are not aligned in harmony. But the ex-Viceroy and the present Generalissimo is a most remarkable man and one not likely to misjudge the attitude of his people or to make a mistake as to what is possible and practical and what is not. Should he decide to oppose the radical wings of the Revolution, with its provisional presidents of provinces and its doctrinaire teachers with their half-baked minds and improvised plans, it will probably be found that he will prove strong enough to stem the tide now setting so strongly toward anarchy.

During the Boxer movement the Empress Dowager and the Imperial clan were of two minds and seesawed as diplomatically as they could. When the local devils were near they were inclined to be Boxers, but as the foreign devils approached they were inclined to see their side of the controversy. Then in a moment of panic they ran away—a flight in which the present Regent was unable to participate because for the moment he was so poor as not to possess a mule. In a very few months, thanks to Li Hung Chang and Sir Robert Hart, China was diplomatically itself again, but administratively things have never been the same since. The whole Middle Kingdom for the last few years has been a seething furnace of unrest upon which from time to time the central government would spread a few ashes in the hopes of at least containing the flames within reasonable bounds.

Law and order have never been so weakly enforced, while local bandits, salt smugglers, and secret societies have pretty well worked their will. Many an old "China hand" had diagnosed the situation of the long-lived Empire as being near collapse months before the present outbreak came. Large additions have been made to the inflammable material already on hand by the one hundred thousand young Chinese

who during this decade have studied—it would be going too far to say, who have been educated abroad. A great number of these young men have returned to their native provinces provided with panaceas and cure-alls for China's sorrows. The government has not been able, perhaps has not greatly cared, to put many of these young patriots in positions of trust and power; consequently ninety out of every hundred have developed into the head-centers of revolutionary groups and the preachers of doctrines subversive to the present régime.

The development of this new nationalistic life did not escape the eyes of the Throne. It was seen that something had to be done to save the dynasty and to restore to the land its former tranquillity, and in 1907 the long-promised and often falsely heralded reforms began to take shape in edicts from the Throne. In September the establishment at Peking of a National Assembly of ministers to confer on state matters was ordered. This reform fell still-born. It was nothing. A month later another edict ordered the establishment of provincial assemblies as a necessary link between the purely local and the national councils. It was also announced that the members of the Imperial Assembly to meet at some future time in Peking would be selected from these provincial assemblies. Hardly had this Pandora's box of troubles been opened when the old actors disappeared from the stage.

Almost simultaneously the Empress Dowager, with her wonderful capacity for intrigue, and the Emperor, weakly leaning toward better things, changed their world and mounted upon the dragon's back to become illustrious guests on high. Again, as seven years before when the Court ran away, Prince Chun, the Emperor's brother, was left behind to face the music which must have been most discordant to his ears. By the will of the Empress Dowager, some provisions of which, though not all, were made public, Prince Chun was nominated Regent during the minority of his son. Since then with Chun the would-be parliamentarians and the commoners of China have had their dealings, and there is much reason to believe that the crisis might have been met successfully and the dangers which now threaten all China and the Far East been conjured had Chun been a free agent. At an early stage in the negotiations, however, it became apparent that he was a puppet in the hands of

the clan council. Provisions of the Dowager Empress's will that are now whispered about in Peking and elsewhere plainly show that none of his acts are binding unless sanctioned by the secret council of the clan elders, and it is quite certain that the knowledge which the reformers have received of the absolute dependence of the Prince Regent upon the approval of so many reactionary members of the clan has nerved them to the open rebellion which has astonished the world and certainly shaken the Throne.

With this belated explanation of the Regent's position much is clear that was formerly hidden. Also much support is furnished to those who have maintained from the first that there is no place for a Manchu dynasty in a constitutional government. From first to last every concession wrung from the Throne has been canceled or its effect nullified. In 1910, after many delays and much shuffling of the cards, the Senate, or Upper House of the Parliament, that was not to be perfected until 1917, assembled in Peking. The conservatives, not to say the reactionaries, expected great things from this august body, which could in no sense be regarded as representing the people. Half of its members were selected by the Regent from among that class of tried public men who in England are summoned to the Privy Council. The other half, it is true, were elected, but not by a popular vote. The members were the choice of provincial notables and of the business guilds. They were, one and all, men of property and of substance. To gag the assembly in case of need a Manchu Prince was appointed to preside over its deliberations. But all these precautions were of no avail. To the surprise and dismay of the Court, this body from the very moment it was called into existence revealed itself as more insistent upon radical reforms and popular representation than even the provincial diets had been, and its members insisted upon sending repeated petitions to the Throne asking that the more popular branch of the National Assembly be immediately convened.

These petitions were rejected or ignored, and then the people, particularly the student bodies, began to play disquieting rôles. Armed with petitions with millions of signatures attached, the students broke into the Senate Chamber, made fiery speeches, and gave other and more convincing evidence of their sincerity. One cut off his finger, another his hand, the next an arm, and the climax was

reached when a fourth opened his belly with a knife and bespattered the monster petition with his life's blood. The great throngs of people that had gathered then rushed to the palace, where, being refused audience, they camped in the courtyard. For thirty-six hours scenes and incidents reminiscent of Versailles at the beginning of the Revolution were enacted. When the Chinese students sang the "Marseillaise" in the halls of Confucius, the Regent yielded and an edict was issued convoking the National Assembly, or, rather, the lower and more popular branch, for 1913—a gain of four years.

Reluctant concession begat, as usual, more extravagant demands, the Throne shuffled, and the open break came at a moment when most of the demands had been acceded to. To-day the Revolution is rampant in many provinces and all-powerful in not a few. Indeed, its astonishing successes have been greater outside than within the area of the military operations now in progress. The practical surrender of the Throne, as contained in the pathetic edict of November 1st, may stay the hand of the Revolution and should certainly strengthen the position of Yuan Shi-K'ai and of those who are seeking a formula with which to save the country from the impending anarchy. It may well be, however, that the confession of the boy Emperor will be taken by the Chinese people as the valedictory of the Manchu clan, who may soon be leaving their snug quarters and fleeing across the Manchurian plains and the marshy banks of the Sungari to rejoin their cousins, the Hun-Huses, who have always remained in the ancestral fastnesses and who are also bandits, but in a rather small way of business.

STEPHEN BONSAL.

THE INTERSTATE COMMERCE COMMISSION

BY JAMES W. CROOK

THE new Railroad law was signed by President Taft on June 18, 1910. The rate-making power with which the new law endows the Interstate Commerce Commission is perhaps, economically speaking, the most important bit of legislation during the last decade. Having exercised the power in a way for ten years, only to lose it by judicial interpretation, the Commission never ceased, by appeals to Congress and the public, to plead for its restoration. While this grant of power has been made because generally conceded to be necessary for the best interests of the great shipping and consuming public, there is still a deeper reason; one which explains the passage of the original act to regulate commerce in 1887. That reason was not any hostility to railroads as such. It was the recognition of the importance to the community of a power which, although controlled for private gain, yet by means of advantages allowed to large shippers and to trade centers deeply affected the evolution of business methods and determined in a measure the distribution of the population.

The task of executing the act during these twenty-three years has been so great at times as to threaten the existence of any effective control at all. In consequence, many people came to regard the method itself as defective if not impracticable. A fact worth noting, however, is that at no time has inefficiency been effectively charged against the Commission and never a suspicion of graft or political influence. The Commission has won a great place in the confidence of the public, for the new powers conferred constitute it the most powerful agency in the United States for the public control of business. But it had to fight its

way and prove its worth against powerful opposition and some defects of the law. All the arts of concealment were, of course, employed to prevent disclosure of widely extended practices which the law aimed to prevent. The best legal talent was always at the service of the roads to challenge the law and the Commission. But the real difficulties of effective public supervision of railroad transportation have been due to defects in the law, especially as brought to light by the interpretation of the courts. But it must not be forgotten that the original law was somewhat experimental, since it had to do with a vast, untried field.

The plain purpose of the law was the abolition of unjust rates and discriminations. These abuses the law prohibited and sought to prevent them by providing for the publication of just and reasonable rates, and by provisions to compel the railroads to observe the rates as published. The difficulties which the Commission encountered in making effective the purpose and provisions which I have stated may be treated under five heads. 1. The obstacles to obtaining testimony. 2. The troubles arising out of the penalty features of the law. 3. The defects of the law as to what constituted a standard of lawfulness in rate-cutting. 4. The whittling away of the substance of the long-and-short-haul clause. 5. The want of finality in the work of the Commission both in regard to its collection of facts and in its orders as to rates.

One of the most disheartening experiences of the Commission in its early years was the difficulty of getting testimony. Much of the effectiveness of its work depended upon its power to compel testimony. But the Commission suffered from the fact that it had no such legal support as could be counted on by the Federal courts. The attendance of witnesses could not be required outside of the judicial district in which they resided, and depositions could be obtained only by the consent of witnesses.

Embarrassment was also experienced in all cases where witnesses refused to testify on the ground that the law did not sufficiently protect them from prosecution. They often refused to testify before either the Commission or the grand jury, because they claimed that to do so would tend to incriminate themselves. In every such case the Commission was compelled before proceeding to await the decision of the court to establish the privilege of witnesses. A famous case

was that of Mr. Councilman of Chicago, the owner of a grain elevator. He refused to answer on the grounds given above, and the Commission had to stop proceedings and ask the Circuit Court to compel him to answer. The court decided that he need not answer. An appeal was taken to the Supreme Court, which likewise protected the witness. Congress was then asked to amend the law, which it did, providing that a witness should not be excused, but that he should not be punished for any offense concerning which he might testify. This was finally upheld by the Supreme Court, but the obstructions consumed several years.

In the original form of the law there were defects in the penalty features. The railroads as corporations were the chief offenders against the law. Yet the punishments provided aimed to reach only the officers and agents and not the corporation itself. The offenders were liable to both fine and imprisonment. This arrangement was defective, because by it the corporation was adjudged incapable of wrong-doing. Nor was it an easy matter to discover the precise official who was guilty of the offense, and even when he was discovered jurors, knowing that his act brought no personal gain, were reluctant to convict. Railroad managers advocated exempting the officers and imposing the liability solely upon the corporation. The Commission recommended that the corporation be liable to fine, but resisted the exemption of officers on the ground that the acts of rate-cutting involved a high degree of moral turpitude which should rightly subject the persons who were guilty of it to exposure and punishment. Congress, in the Elkins Act of 1903, adopted neither recommendation in full, but made the corporation and the officers liable to fine only. The new law draws a distinction between infractions of general requirements of prohibitions and the offense of unlawful rate-cutting, false billing, false weighing, and the like. For the first class of offenses the penalty remains as under the Elkins law for all offenses—merely a fine. But the cutting of rates, granting rebates, false weighing, and false billing—all these and similar misdemeanors the law singles out as specially immoral. Persons guilty of such offenses not only may be heavily fined, but imprisoned in the penitentiary as well.

For fifteen years after it began its work the Commission was seriously hampered in prosecutions for giving

preferential rates, because by the decision of Judge Grosscup very early after the law went into operation it was not sufficient to prove that the published rate had been departed from. It must be shown that higher charges had been paid by some one else on the same kind of a shipment at the same time. As a practical matter, proof of such a fact could rarely be secured. Thus successful prosecutions were difficult. The Commission might prove a railroad guilty of granting rebates, but that was no basis for indictment unless it could show that some other shipper did not get the same rebate. The defect in the law was the lack of a fixed standard by which to measure unlawfulness. This defect was remedied by the law of 1903, by which the published rate was made the standard. Hence any departure from the published rate became the crime for which punishment was provided.

As the railroad business developed from small beginnings places favored by water competition very early acquired an advantage in railroad rates over less favored places. This was due to the elementary fact that if the railroad was to obtain any of the traffic which could go by water, it must meet the charges of transportation companies which paid nothing for right-of-way nor for which there existed an annual charge for the maintenance of track or upkeep of road. The result was an extensive system of higher charges for the same service over a shorter distance than over a longer one in the same direction on the same road. A similar situation grew out of the competition among the railroads themselves for traffic between the terminals where several lines converged. This practice seemed like a burden upon the intermediate points where there was no competition of either kind and a case of discrimination in favor of the competitive centers toward which manufactures in consequence tended to concentrate and population tended to flow.

This situation the law dealt with in Section Four, which made it unlawful to charge any greater compensation for service, under substantially similar circumstances and conditions, for a shorter than for a longer haul over the same line in the same direction. The crucial point in the application of this section was the determination of two things: First, in what respect may " circumstances and conditions " be suffieiently dissimilar to permit, under the law, a less

charge for a longer haul? Second, what did the law mean by a "line"? The commission had to pass upon these points in order to determine whether in any particular case a road could be relieved from the operation of this section. One of the earliest cases grew out of competition for transportation between Chicago and Minneapolis and St. Paul. A competing road had reduced its rates between these terminal points without reducing its intermediate rates. The Chicago, St. Paul and Kansas City Railroad Company announced its intention to follow suit. This was the very thing which the law was designed to prevent unless there were justification for it. After a hearing, the Commission ruled that the exceptional rates asked for could not be granted because they were not based upon the existence of natural causes, like water competition. They were asked for an account of the competition of railroads subject to the Act.

In this and subsequent decisions the Commission took the position that, in reference to the long-and-short-haul clause railroad competition and water competition were entirely different. The reasoning took the form that water competition was of a natural sort over which the railroad could have no control. The railroad must meet the water rates if it was to get any of the traffic that could go by water. The Commission decided, however, that this reasoning was not applicable to the competition of railroads subject to the Act. Over that the roads had control. It was an artificial circumstance which the carriers could create at any time and thus relieve themselves from the restraining force of the law.

This view of the Commission as to the meaning of the Act was not indorsed by the Supreme Court. In the Alabama Midland case the competition of the railroads themselves was allowed in general as a circumstance which justified a lower charge for the longer distance. This interpretation meant that if you could prove that there was competition of railroads or markets at the greater-distance points such dissimilarity was thereby proved as would exempt the railroads. This meant fundamentally that the law as interpreted did not forbid discrimination between places.

This was enough to render that part of the statute of little or no force, but another legal interpretation weakened it still further. This related to the meaning of the word "line" as used in the prohibition of a greater charge for a shorter haul over "the same line." The Commission in-

terpreted " line " to mean a physical line and not a business arrangement, so that a combination of several roads for through traffic between distant markets constituted but one line to which the terms of the law applied. It made no difference how many railroad companies were involved, there was but one line. The courts, however, gave it a meaning by which the individual roads constituted each a line distinct from that created by the combination. Hence freight hauled on one road, the shorter distance, would be on one line. Similar freight hauled over two combined roads, the longer distance, would be over an entirely different line. Thus a greater charge for the shorter distance would be by this interpretation of " line " entirely legal. By these two interpretations this part of the law was nullified and the fourth section practically stricken from the Act.

A member of the Supreme Court, in a minority opinion commenting upon the above interpretations, used the following language:

" Taken in connection with other decisions defining the powers of the Interstate Commerce Commission, the present decision (168 U. S., 176), it seems to me, goes far to make the Commission a useless body for all practical purposes and to defeat many of the important objects designed to be accomplished by the various enactments of Congress relating to interstate commerce."

The new law makes radical changes in this part of the statute. Under the judicial interpretation of the old law, the railroads acquired the right to judge for themselves when conditions were sufficiently dissimilar to release them from the prohibitions of the fourth section. They could put a rate into effect without the consent of the Commission. Under the new law this is impossible, for the words " under substantially similar circumstances and conditions " are stricken out. The power of exempting the railroads from the rigid rule not to charge more for a short than for a long haul is by the new law conferred in the first instance upon the Commission. The new statute also disposes of the difficulty due to the judicial interpretation of the word " line." By employing the term " route," as well as the term " line," Congress has made it plain that the prohibition applies to a physical line irrespective of the number of companies over whose roads freight is transported. By these changes the whole question of differential treatment

between trading-points is placed in the hands of the Commission subject to appeal to the courts for relief.

But perhaps the greatest weakness of the law, from the standpoint of effective government supervision, has been the want of finality in the acts of the Commission. This weakness was of two kinds: first, in regard to the presentation of facts in hearings before the Commission; second, in regard to the decisions of the Commission as to rates.

First, in regard to presentation of facts. The Commission has never had any power to enforce its decisions. That was left to the courts. Accordingly, if a carrier refused to obey an order the Commission was obliged to institute proceedings in the Circuit Court to compel obedience to its order. "With this in view the law provided that in proceedings in the courts to enforce the decision of the Commission, the facts found by it in any investigation and the conclusions based upon those facts should be deemed *prima facie* correct for all the purposes of such proceedings." But the interpretation of the courts allowed such a rehearing of the case as permitted the presentation of new evidence. This practically gave the railroad a new trial, with the power to present a state of facts for the court to pass upon different from that before the Commission. All a railroad had to do was to ignore the findings of the Commission based upon such a case as the railroad chose to make and wait for a new trial and present new testimony. This was calculated to render the work of the Commission a waste of time and to bring it into general contempt.

The Supreme Court felt called upon to rebuke the railroads for a precedure that would lead them to withhold the larger part of their evidence from the Commission and adduce it first in the Circuit Court. The court added that the "purposes of the Act call for a full inquiry by the Commission into all circumstances and conditions pertinent to the questions involved."

In regard to the second weakness, it will be recalled that the Commission in executing the law against "every unjust and unreasonable charge" and "unjust discriminations" almost immediately after its appointment assumed the power of fixing maximum rates to be observed in the future. In doing this there was no attempt to make rates for the whole country. In the language of the first report, that would be "superhuman." When a rate was discovered which the

Commission adjudged unjust or discriminatory an order was issued prohibiting a charge beyond a certain figure. Since this power was not expressly granted in the law, and since later the courts denied that the Commission had such a power at all, it is interesting to note the reasoning according to which the Commission acted. The law in the first section reads, "All charges shall be reasonable and just; and every unjust and unreasonable charge is prohibited and declared to be unlawful." Other sections prohibit discrimination, undue preferences, a higher charge for a shorter than for a longer distance. In addition, "the Commission is hereby authorized to execute and enforce the provisions of this Act." Now the Commission could not execute and enforce requirements of reasonable rates without first determining what is reasonable and just. Having found a rate objectionable and having stated what it considered a just rate, it asked the courts to enforce its orders. The Commission itself put the argument as follows:

"This Commission had thought it to be its duty, and had been acting upon the belief that the Interstate Commerce Act required something to be done, to execute and enforce the common-law requirement that all charges shall be reasonable and just, which has not been done for a hundred years in respect to the transportation charges on interstate traffic. The Commission has been acting, or attempting to act, in the belief that when the law declared that all charges on interstate traffic shall be reasonable and just, it was the rates which might be exacted in the future that were required to be reasonable and just."

In accordance with this reasoning, the Commission prescribed a change in rates for the future in 68 out of 135 formal orders made in suits heard from 1887 to 1897. Shippers, the railroads, and the Commission all understood that when the rates had been established by the railroad, and later on complained of as unreasonable, and a trial had to determine the question, the Commission was authorized by the law to declare not only what rate was wrong, but also what rate would be right, and that it was the duty of the Commission to ask the court to enforce the right rate. The Commission states in its eleventh report that the authority to reduce an established rate and enforce a reasonable rate for the future had never been denied in any of the answers made to more than four hundred cases previously commenced.

Although Judge Cooley had argued that the Act con-

ferred the power to fix maximum rates, and although fixing of such rates by the Commission for many years argued a "contemporaneous construction," and although an adverse construction of the statute was fraught with disastrous consequences to the effective regulative power of the Commission, yet a careful reading of the Supreme Court opinion (167 U. S., 479) will convince most unbiased minds that the Commission had been exercising a power which Congress, when it passed the Act, could not have intended to give it. In general, the court used three arguments. First, the language of the Act was very familiar to the legislative mind and capable of exact construction. A comparison of its language with that used by the individual States in creating commissions reveals an absence of those precise words which definitely give the rate-making power. Such words are, "Increase or reduce any of the rates," "To make and fix reasonable and just rates of freight and passenger tariffs," "To fix tables of maximum charges." No such expressions are found in the Act, hence the court found no power to fix rates expressly conferred. Second, the power to fix rates for the future, since it is legislative in its nature and of vast importance to the railroads and the public, should not be assumed by mere implication. Had Congress intended to confer such a power, it would have done so in language so unmistakable in meaning that no debate could arise as to the fact. Third, there is abundant evidence in the Act that Congress assumed that the rate-making power was with the railroads. There is the provision that the railroads were to give ten days' notice of an advance and three days' notice of a reduction of rates. The court quotes at length those parts of the Act which require the railroads to publish, post, and file with the Commission the rates they have made. The conclusion of the court is that

"Congress has not conferred upon the Commission the legislative power of prescribing rates either maximum or minimum or absolute. As it did not give the express power to the Commission, it did not intend to secure the same result indirectly by empowering that tribunal to determine what in reference to the past was reasonable and just, whether maximum or minimum or absolute, and then enable it to obtain from the courts a peremptory order that in the future the railroad companies should follow the rates thus determined to have been in the past reasonable and just."

Thus was the Commission deprived of that power which it cherished most—a power which it felt it must have if, as

Mr. Roosevelt later expressed it, "The rebate, the secret contract, private discrimination must go. The highways of commerce must be kept open to all on equal terms."

The Commission, however, never weakened in its resolution. It recalled that no tribunal had questioned either the power of Congress to regulate interstate commerce or the general policy of the Act. From the date of the Maximum Rate decision, in 1897 till 1909, in every annual report to Congress the weakness of the law was fully exposed and the necessary changes indicated. The Elkins law of 1903 for the most part simply provided against departures from the published rates. It gave the Commission no power to prevent a general rise in rates and did not repair the damage of the decision in the Maximum Rate case. The Hepburn law of 1906 did confer the power to fix a maximum rate, but only upon complaint. The Commission could not take the initiative. No investigation of a rate could be undertaken before the Commission until a schedule of rates had been filed. A decision of the Commission could not go into effect in less than thirty days. If injunctions were resorted to by shippers to prohibit an advance in a rate, they would lead to discrimination. Moreover, the loss from an unlawful rate could not be repaired by a suit for damages. Two years after the law of 1906 became effective the Commission reported great confusion and much discrimination.

The new law confers upon the Commission great powers as to rate-making. It need not wait for complaint, but may proceed on its own initiative. It must give a hearing before issuing orders, but if the Commission is of the opinion that any rate is unjust or unduly preferential it has all authority to prescribe what it considers just and reasonable as a maximum to be charged in the future. Such an order the railroads are required to obey, unless an injunction is sought or an appeal taken to the Commerce Court especially provided in the Act. And even while the suit is pending, the order of the Commission stands unless the court shall specifically suspend it. If the railroad should fail or neglect to obey an order of the Commission, the Commerce Court stands ready after hearing to enforce by injunction or other process. An important part of the new law is one which empowers the Commission to suspend for ten months the operation of a schedule of new rates for the purpose of giving it time to determine whether they are proper or not.

When the Commission is ready to report, it may issue such orders as would be proper in case the suspended rate was already in operation. It is clear that the new rate-making powers of the Commission far exceed anything contained in the original law or the Hepburn law of 1906. It may suspend a proposed rate, change one already in existence, and substitute one of its own. If the roads wish to be relieved from the rates fixed by the Commission they must appeal to the Commerce Court, and upon the roads falls the full burden of proof.

Within fourteen months after the new law went into effect the business world and the country in general had an opportunity to realize something of what these new powers of the Commission mean. The events are so recent that no detail is necessary, but the situation is most extraordinary. Just prior to the enactment of the new law forty-one of the most important railroads in the eastern and western territory filed with the Commission tariffs making general increases in their freight rates. At the time the advances were filed the Commission had no authority to suspend proposed rates pending an investigation of their reasonableness. After conferences with the government the railroad officials agreed to suspend the advances until August 1st, and subsequently to March 1st, since the Commission found it impossible to complete its investigation earlier. The situation should be carefully noted. Hitherto the railroads had been accustomed to advance their rates upon short notice; and then it was left to the public to change, if possible, rates considered unreasonable. The public machinery for this purpose was very defective. By the new procedure the burden of proof is shifted. Before the advances are put into force the railroads are compelled to show why the rates should be advanced. In the two general investigations of this question by the Commission at the public hearings, opposed to the great array of legal and administrative talent as advocates of the railroad interest was an equal array which spoke for the shipper and the consumer. The hearings were completed on November 30, 1910. The decision was announced on February 24, 1911, and was adverse to the contention of the railroads. The Commission, in a unanimous opinion, which has won public approval for its clear and convincing discussion of the issue, held that the carriers did not sustain what the law imposed upon them—

viz., the burden of proof that the advances were necessary. Whatever one's views of the consequences of this decision to the railroads or to the country, there can be but one opinion as to the enormous power the new law lodges in the Commission.

A case quite as important as the preceding relates to the long-and-short-haul clause. It has been the custom of the railroads to charge a higher rate on Eastern shipments to Reno, Salt Lake City, Spokane, and other interior cities than on the longer haul to Seattle, San Francisco, and other Pacific-coast points where water competition is a factor. This created a hardship for the interior towns, and the question of rates to the inter-mountain cities has been agitated for many years. On July 25th the Commission rendered a decision on west-bound traffic which affects the movement of all commodities. The Commission recognizes the necessity which forces the roads to meet water competition to Pacific-coast points but greatly reduces the rates to the Rocky Mountain territory. The Commission divides the country into four zones. Lines are drawn—one through St. Paul, another through Chicago, both running to the Gulf. Another from Buffalo through Pittsburg. By the orders of the Commission rates from points west of the St. Paul line shall not be higher to inland cities than the rates to the coast; rates from points between the St. Paul line and the Chicago line shall not be more than seven per cent. above the through rates; rates from points between the Chicago and Pittsburg lines may be only fifteen per cent. higher, while rates from the points east of Pittsburg may not be over twenty-five per cent. higher. These rates are to go into effect October 15, 1911. They are so much lower than the railroads have been accustomed to charge that it is estimated that $12,000,000 annually will be lost to the lines involved. If it is true, as some contend, that these orders will so revolutionize the relations between jobbers and the territory which they serve as to bring about important industrial readjustments, then we have another indication of the great economic rôle which the Interstate Commerce Commission is destined to play by the terms of the new Railroad law. This is true even should the roads appeal to the Commerce Court for relief, since the burden of proof that the ruling is unjust rests upon the roads.

JAMES W. CROOK.

A LOVER'S "LITANY TO PAN"

BY FLORENCE EARLE COATES

By the germinating seed
And the blossoming of the weed,
By the fruitage that doth feed,—
Oh, hear!

By the light's reviving kiss,
By the law that wakes to bliss
Butterfly from chrysalis,
Oh, hear!

By the raptures of the Spring,
And the myriad flowers that bring
Incense, at her feet to fling,
Oh, hear!

By the water-lily shrine
And the syrinx that is thine,
By its melodies divine,
Oh, hear!

By the fragrance of the glade,
By thy slumber in the shade
And thy bed, of mosses made,
Oh, hear!

By the budding mysteries
And leafy glory of the trees,—
By the human eye that sees.
Oh, hear!

By the wistful hopes that throng
To thy chantry of sweet song,
By our power to love and long,
Oh, hear!

By the dawning's tender beam,
By the twilight's westering gleam,
By the soul's enduring dream,
Oh, hear!

By the summer's ardent quest,
And the balm of winter rest,—
By the calm of Nature's breast,
Oh, hear!

By the wonder of thy plan,
By thy boundless gifts to man,—
By thy deathless self, great Pan!
Oh, hear!

FLORENCE EARLE COATES.

THE WATERS OF BLACKPOOL

BY W. D. HOWELLS

WHENEVER we said we were going to Blackpool, it seemed to fill our English friends with surprise and pleasure. They asked *why* were we going to Blackpool, and when we tried to say they laughed the more. We could not believe ourselves that we were going, or that we were really there when we arrived. We were, in fact, so high in the social scale through our friendships that we might never have heard of it if it had not been for one of the most liberal of our acquaintance who had noted some years before our interest in the popular crowd at Llandudno, and told us we ought to see Blackpool. He tried to enlighten our dense superiority by explaining that Blackpool was the seaside resort beyond Liverpool of the whole cotton-spinning and iron-casting country, and that masters and men alike thronged it in the season, the masters lavishing their gains and the men their earnings in one mad month or wild week of unstinted gaiety. The men, he said, would save through the whole year, and then at the holiday time would take their hoarded fifteen or twenty pounds and blow them in there on themselves and families. He left us with a longing for the sight of their ingenuous profusion, which we had now come to appease, though he was charier as to the masters and as to their spending; perhaps because he knew less about them, or perhaps because he knew that I cared less for masters than men, whether at work or at play. In the eventual phantasmagory of the place, I had no great effect from their longer sojourn in villa or cottage, though I do not say that such housings were not as fine as they are at our own seasides; I say merely that I did not notice them. Perhaps I did not know where to look for them; some aristocratic quarter of Blackpool there must have been, and I offer my excuses to it.

We arrived there on an August Saturday when a hundred and sixty special trains brought their passengers from the whole North country for the week-end or the week following. But we had come almost immediately from Brighton, and of course there was a contrast; for one thing, there is no Royal Pavilion of George IV.'s fancy at Blackpool. It is very, very modern, Blackpool is, and, if it has any historical associations, I am not aware of them; though I do not say that Mary, Queen of Scots, for instance, was not once captured or imprisoned there, and I cannot deny that a great Cromwellian battle was fought at Preston-pans not far away, and the Royalists very acceptably beaten. I am mortified that I cannot offer more serious information than this, and I fall back shamefacedly enough upon the small personal experiences which readers of travel really care more for.

The smallest of these were the rooms given us at the hotel which the manageress showed us with a polite regret, which did not somehow enlarge them. They were about the size of the staterooms we had on the steamer coming over, or of the bedrooms in Pompeii, which they might have been studied from by the architects accompanying the Roman legions in their invasion of Britain; but they had an inexorable claim upon us in the fact that they were the only rooms left in the hotel when we wired. They proved good rooms to sleep in, and the hotel proved so good in every way that we were finally glad of them, if not proud of them. At the worst they showed the congested state of that Blackpool of the master class which we were destined otherwise to see so little of.

The hotel stood back of wide lawns, not so much broken by flower-beds as to be unfit for bowls and tennis; Biblical games, apparently, for they were played almost exclusively by the Hebrew guests, whose race is not inhumanly shut from the summer hotels in England as it is from ours. The chairs on these lawns commanded vast prospects of the quays which stretched north and south as illimitably as the sea in front of them, or as the beaches between where all day long, from early breakfast-time to late bed-time, paddlers of every age and sex were countlessly paddling as one. If I seem to make light of the paddling, I am wrong, for it was really very charming to see, especially as practised by children in the care of nurses and parents, who

made them the excuse for baring their own legs to the winds and waves. I especially liked the kind young fathers who came earliest with their families, to let some wade in the gentle surf of the shelving shore, and others gallop up and down over the beach on ponies or donkeys, while their dogs barked round and bit, in their joyous riot, both surf and sand. Such families, I took it from the ponies and donkeys, were of the master-class, but there was room enough on those immense margins for a whole world of the man-class. Really one could not exaggerate the stretch of those margins by drawing the longest bow; and I do not know whether the extent seemed largened or lessened by the wide piers carried far out to sea and jointed, as it were, at two or three intervals with pavilions, for dancing or acting, or both. When they came to an end at last, their ends were bounced about by pleasure craft, steam and sail; notably, in one case, by a passenger steamer always coming from or going to the Isle of Man, which kept itself out of sight somewhere in the offing. The people who debarked from this boat had so little the air of having had a smooth trip that I wondered at the courage of those who promptly embarked as she sea-sickeningly rose and sank at the pier-head.

But it is not the shipping that most or at all impresses the visitor at Blackpool; it is the myriads of other visitors. Figures could as easily lie about their numbers by under-stating as by over-stating them, and whether you were a spectator of the throng or an infinitesimal particle of it the multitude was always astounding. Before this, in writing of English things, I have had occasion to intimate that many of them afford exercise for that modesty which is always really the heart of American brag. Whether the scale in England is so small generally that any variation from it seems prodigious, or whether the things are really great, I am not ready to say; but in that little island there are certainly things that impress one as great. I suppose that there is no Niagara Falls there, no Mammoth Cave, no Yosemite, no Pike's Peak, no Metropolitan Tower, Lake Superior, no Chicago Stock-yards; and yet there are things in all these sorts which strike you as worthy of comparison. Besides, there are certain positive wonders, natural and artificial, which, there is no disputing, are more marvelous than anything of the kind that we have. London, for ex-

ample, unquestionably outdoes any city of ours. New York is a large town, but New York, except for her high grade of intelligence, could easily be lost in London. The only thing in which we excel England beyond parallel and peradventure is the spectacular purity of our municipal administrations and our freedom from graft in civic affairs. If you come, however, to something like the crowd on the promenade at Blackpool, you have several other English crowds to compare it with. You have the crowds at Folkestone, at Margate, at Brighton, which, although they are vastly smaller, are so much larger than any American seaside crowds that there is no talking, in the same breath, except of Atlantic City alone at Easter time. If you are there then, at that point where the myriads of the Board Walk thicken for a conscious moment under the eye of the camera scanning it for a postal-card photograph, you can have some notion of the crowd forever writhing, forever worming, squirming, up and down at Blackpool. From a chair in the hotel garden it looked like some immeasurable organism, some monster of the geologic prime, never still, but creeping with one side this way and the other that. Near by it resolved itself into men, women, and children; farther off it was mere human mass with those opposite bilateral movements which I have tried to suggest, and there were miles of it. Dreadful enough to look at, the mammoth mass became terrible when you fused yourself in its bulk. It seemed the same in bulk by night and by day; it must have slept sometime, perhaps not in bulk, but in detail, each atom that sank away to slumber replaced by another atom fresh for the vigil; or if it slept in bulk it was in some somnambulent sort, with the sense of a bad dream, a writhing and twisting nightmare. It was always awful to look upon, but awfulest at high noon, when it had swollen to its hugest, and was imaginably famishing for lunch with the hunger of some consuming insect horde.

Possibly I am exaggerating in the impression I am trying to give of the Blackpool crowd. Doubtless any happy couple, near wed or newly wed, of those that abounded in the mass could prove me grotesquely mistaken, if not wilfully false. They could say that they had the time of their lives that day at Blackpool, and could ask nothing better than to repeat their transport. I admit this, and yet I do not allow that there were oysters enough for that

mammoth organism in common, or in severalty, if it became hungry all at once, and turned upon the oyster-tables which chiefly offered to stay the collective famine. There were, of course, other things to eat along those endless quays and in the restaurants that fronted on them, but oysters prevailed out of comparison with other provisions; oysters always in the shell, after the sole English fashion of eating them, and never in any of the American variants of fry or broil or stew. I suppose that if the oyster-shells of Blackpool were cast in one heap the cairn would mount to the skies, but a tardy respect for precision obliges me to say that I saw no such monument.

I have an impression of the bathing at Blackpool as quite disproportionate to the paddling. For one thing it must be more expensive; where one can afford to bathe a thousand may paddle at no cost. Still there were no doubt bathers and bathing-machines; but I suspect that the innumerable majority resort to Blackpool for the sea-air rather than for the sea-water. Even the sea-air the most of the majority take very mediately on the streets that stretch back from the quays or behind them, where in thousands and thousands of little stone houses the majority seem to lodge. In the glare of our Sunday afternoon, which was a very hot glare in these streets, we passed miles of such little houses, and saw their front steps and the seats of their narrow garden door-yards full of their drowsing lodgers. The men were often frankly asleep, the women and even the children were not very alert, and, if not bound in a Sabbath slumber, were subdued by lunch to a sympathetic silence. It is said that they oftenest bring their provisions with them for the few days of their stay, and the houses are strictly their lodging; but nearer the sea the houses were evidently for board as well as lodging, as we might see through the windows of their parlors by the tables set so close that the windows themselves had each a table conspicuously in it. One such was offered to our courageous inquiry for afternoon tea, and I am sorry now that our courage did not hold out so far as taking it, but at the time it seemed too conspicuous even for Americans.

Of course we wondered, or at least we said we wondered, why all those poor souls should have come to Blackpool for what we could see of their pleasure, but a little reflection ought to have taught us to moderate our amazement. Peo-

ple even so wrong-headed as we like to think the English average do not take their year's savings in one hand and their families in the other and hurry summer after summer for one hot week on or behind those sands out of mere midsummer madness. Perhaps if we had seen the towns and the houses which they lived in the rest of the year we might have found their joy (it did not look much like joy, though) in their Blackpool sojourn more justifiable than it appeared. I am afraid we did not consider, either, the gratification of their natural pride in being in Blackpool, and of meeting people they knew there, whom afterwards they could exchange reminiscences with, and remind of the splendid times they had there together. Above all, I suspect we did not think of the people they did *not* meet there, for one reason or another, and whom they could tell that they ought to have been there, and have the more pleasure in telling that because they knew these poorer people were not able to come, either because they had not been able to save the money for the outing, or because they had lived so lavishly the whole year that they found themselves with nothing to waste on the holiday. At the very worst, their sojourn would be lovelier in the retrospect than in the aspect, and they could recall it with ever-increasing belief in its iridescence, as they began putting shilling with shilling and pound with pound for the next summer's outing. The case has its pathos, which I cannot hope to realize to the millionaire imagination of most of my readers, but I trust there is here and there some one poor enough to understand.

I could well have wished to know more of the well-behaved and decent-looking folks within doors and without, in all those hot, uncomfortable but not uncleanly streets, and I am tempted to make up things about them; but perhaps I had better not. In the thoroughfares paralleling the sea-front or leading to it there were trams, but in most of the streets there was nothing to meet the eye or distract the mind from the steady glare. We passed some chapels in which there seemed to be afternoon services; toward the end of our ramble there came streaming tides of people from the quay for the inflexible English rite of afternoon tea; detached atoms of the organism which they left writhing up and down beside the sea, insensible of their defection. Besides chapel and tea there seemed no other entertainment for those kind, dull-looking masses. In Blackpool on the esplanade there is a

Winter Garden, there is a Ferris Wheel and an Eiffel Tower, with several variety theaters and a mighty ball-room; but all these were fast locked on our Sunday; there was only the sea with its piers and quays, and even on the piers there was none of that dancing which it is said " you ought to see " at Blackpool, not because you ought not to see it, but because it is so inoffensively typical of the place and people.

Something of it we did see on our Saturday night in an inclosure on one of the piers; but I cannot say it was worth going to Blackpool to see. In other inclosures there was roller-skating, such as we may see even in New York, though there in Blackpool, under the electric glitter, it had a peculiar distinction, as the skaters rose and sank on the switchback inclines, and the girls flitted by, with the tilt of pretty ships, so swiftly that we could not say they were not pretty girls. Perhaps some of them were, and all were young and looked glad.

There were shops on those piers, and there were vaudeville shows which tempted us within, but could not keep us there; there was not a Pierrot in any, though at several they were promised; and the actors were of the artistic quality of the " entertainers " who haunt the summer hotels in England and make one glad it is not always May; or June, July or August, for that matter.

It was much better on the beach below at night, where there were sermons in the dusky flare of kerosene torches and oysters in the like illumination. That is, there must have been oysters, for there were oysters everywhere else; and there were other things to eat, like fruit and the very bilious-looking pink-and-yellow " sweets " of the island. There were people listening and eating, and large and little groups talking together on the sands. There were children far too young to be up so late, but who would remember the unwise indulgence of their elders as the supreme joy of their lives—if they lived. These merry-makers, if it was merry they were making, were of the sort who must go home to bed in those close back streets which we had found so hot in the afternoon; and no wonder they waited for the tide and the night to be at full before they left the pleasant sands. I should not have blamed them if they had stayed up till morning there. It was their chance to feel the mystery and the beauty of the sea and the dark, one of those priceless moments which outvalue whole lifetimes of common experi-

ence. Poor, ordinary fellow men and women, how few such moments could come to them even at Blackpool, the sole romance of their workaday year, on which they did well to lavish the savings from their hard earnings! In spite of their wastefulness it must have been much to them that they could have so much of that joy for nothing. The morning held no promise of better things for them; they could make themselves part of the monster organism writhing up and down the quays, or they could take a tram that went north or a tram that went south; but a tram would cost money. No, the day would mock them with their poverty of resource; at the best it could only invite them to sit on the different levels of the higher or lower walks along the sea-front, and there they would be crowded and tired. The night beside the sea could alone give them room and rest.

Even under cover of the dark I had not the courage to ask any of them if it were not so. I knew very well they would be glad to say, or to talk on any terms, those fathers and mothers of families, if only to contradict one another in the report of their common opinions and emotions. But travel is mostly a waste of opportunity. You meet innumerable people who would eagerly tell you their lives or analyze their characters to you, if you would offer them the chance by the slightest question, and yet you pass them dumbly by while inwardly you are hungering and thirsting to know about them. How rich I might have made this page if, when we venturously formed part of the organism on the quay, I could have asked some elbow neighbor what he was when he was at home, and how long he was going to stay, and how he liked it; and was that lady with him his wife; and how many were they in family. He might not have responded in the same ingenuous spirit, but I think he would.

How the social world at Blackpool was probably made up I did indeed infer from the family in our railway carriage as we came. They were people of third-class tickets who, as often happens in England, had been put in a better compartment because there were no third-class places left for them; but they were very acceptable society. They were from a small town off the line, and were village folk of serious mind in the elderly father and mother, of gay expectation in the young girl, their daughter, and irrepressible greed in the small boy, their son. They were richly provisioned for the journey, and from time to time they all ate from their

basket; except the boy, who ate all the time, when he was not rushing from the train to seize upon his father and keep him, with tears and cries, from being left at the different stations where he got out to look about him. The girl was very pretty, but when she smiled she showed that sad defect of the vanished or vanishing teeth which so early forsake the mouths of lower middle-class English youth. But she looked kind and good, and when she became that night one of the little ships that rose and sank on the waves of the skating-rinks on the piers, no spectator would have been the wiser or the sadder for her loss, if she smiled with her lips shut.

I had not the courage to ask my fellow-atoms in the organism on the quay who and what and why they were, and I had still less courage to put any like questions to the people in the hotel in whom I imagined such Blackpool quality as the master class might have. Very probably they were passing strangers like ourselves. One of them who sat next our table, and who talked willingly, turned out a young Irish business man settled in Birmingham; others, sitting in the garden chairs, with their hats and cigars at American slants, talked vigorously together on business matters and might easily have mistaken themselves for my fellow-countrymen. In fact, the provincial English business man often makes you think of home when you meet him in the North. As I saw him now at Blackpool I never learned whether he was there for his summer holidays or had merely taken a day off and come because it was Aviation Week.

This attraction had not drawn our own wandering steps; we had come to Blackpool for Blackpool, but when we found that it was Aviation Week we were so far from sorry that we set off on the top of the first tram after lunch for the field of the flying, which was inland from the southward beach. The reader to whom I have confessed myself so ignorant of the human facts of Blackpool need not dread my trying to make it up to him by telling of the aviation, though it was then more the novelty and less the bore that it now is. When, as we drew toward the field on our tram-top, and casually caught sight of one of the machines wheeling high in air, we thought it was one of the familiar half-tones in the illustrated papers; it had scarcely a moment's surprise for us. It was better, I will allow, in the flying-field, where as the biplanes and monoplanes were wheeled out on the grass they were made each, after a delay of poignant doubt, to rise

from a run into a flight and then to mount the steeps of space and whir and wheel away. One of them quite refused to leave the ground and had to be taken off the field, but the others, with the shuddering sound of planing-mills, which seems their contribution to the noise of a noise-maddened world, and is such an earnest of horrors to come, flew satisfactorily enough, with that present loss of interest for the spectator which I have noted. Probably if we could really see a miracle it would not have the charm of an every-day occurrence. In a world full of the commonplaces of steamboats, locomotives and automobiles, the flying-machines could scarcely push their way without bringing the sense of something essentially uninteresting. I except from this sweeping censure, however, the graceful monoplane, which when it got up and away looked pleasingly like a mammoth dragon-fly, and not so much like a half-tone illustration.

Our tickets to the ground admitted us to the lottery by which we might draw the prize of going up with one of the aviators. It was our dread of this terrific piece of luck which drove us prematurely from the scene, and sent us hurrying back to our hotel at no greater height than a tram-top.

W. D. Howells

ANDREYEV'S "ANATHEMA" AND THE FAUST LEGEND

BY O. R. HOWARD THOMSON

It is a fact of no small significance to the historian of literature that a scant two years before Tolstoi, the last of the great Russian writers born in the second and third decades of the last century, passed away, a young compatriot should have produced a work which it would seem must ultimately win for him recognition at least equal to that bestowed upon his predecessors. It is a fact of still greater significance, in the history of human thought, that this young Russian—Leonid Andreyev—has, in seizing upon the *Faust* legend and breathing into it the spirit of nineteenth-century agnosticism, given an interpretation of the problem involved that differs as fundamentally from that developed by Goethe, as Goethe's drama itself differed from its literary ancestor, the *Book of Job*.

Primarily as much an interpreter of human problems as he is a dissector of human brains, Andreyev has not hesitated at times to abandon his morbid studies, such as *The Abyss, Dilemma,* and *The Seven Who Were Hanged,* and turn his attention to Biblical matters. He took Lazarus and portrayed him as a ghoul escaped from the tomb destroying his fellow-men: he seized on Judas Iscariot and showed him, half hero and half demon, daring to share death with Christ. The old answers to the old riddles appear to him insufficient. He seems to ask, "Who knows the truth about anything?" When such a man lays violent hold of a world legend like that of *Faust,* that which he has to say cannot fail to be of interest.

The *Faust* story is to-day associated with the trial of Job, but it is well to recall that the link which unites Faust of the Middle Ages to Job the Hebrew patriarch was forged

by Goethe. In the original story, as given in the sixteenth-century *Volksbuch,* there is no prologue wherein Satan makes a bet or wager with God; nor is there any such scene in Marlowe's *Tragical History of Doctor Faustus.* But both in the *Volksbuch* and in Marlowe's drama Faust is damned, while the later-evolved lover of Marguerite is saved, as Job was saved. It is the wager of the Evil One with the Deity that transforms the story from a tale of warning into a theological or ethical thesis. Goethe, by the insertion of his "Prologue in Heaven" deliberately made the scheme of his *Faust* resemble that of *Job,* justifying himself to Eckermann with the statement that if such a resemblance existed it was a thing for which he should be praised rather than blamed.

Totally different from Goethe's is Andreyev's conception. It is true he has retained the machinery of a prologue, of a lifelong fight ending in death, and of a post-mortem reward, but he has so melted the materials in the crucible of his mind that, poured out on the ground for our inspection, they assume shapes difficult for us to recognize. The whole thing is at the same time familiar and strange. The prologue opens, not in Heaven, but in a deserted place that rises up to huge iron gates tightly closed and indicating the boundary of the world as we conceive it. To these gates comes the Mephistopheles of the Russian drama, Anathema—some one accursed. But he is not at all glorious nor heroic nor almost omniscient, attributes which, owing to Vondel, Milton, and Goethe, we have come to regard the Devil as possessing. He is rather contemptible in appearance, prone to crawl on his stomach, reminiscent rather of Wagner's "Alberich" than of Milton's "Lucifer." And he knows no more of ultimate truth, of what God is, or of the meaning of the universe than men do. He does not converse with God, for at the Gates stands the Guardian who bars the way and who answers him enigmatically. He is even ignorant of the true name of the Deity and, like an Adonist, stumbles in his speech when he attempts to pronounce it. When he cries to the Guardian of the Gates, "Call the name. Illumine the way for the Devil and for man," he is informed that such knowledge will never be his. This transference of a portion of both the ignorance of man and his desire for knowledge onto the shoulders of the tempter is as significant as it is original; while the fact that the

wager, if wager it can be called, is made, not with the Deity, but with a sententious, non-communicative blocker of the way to full knowledge, makes the issue infinitely more doubtful than is possible where Omniscience consents to have the justness of its confidence in the integrity of its servant put to the test.

That, rebuffed by the immobile Guardian of the Gates, Anathema should swear to return to the earth and ruin the soul of David Leizer creates no surprise. Why should he refrain? The game is not difficult. Leizer is neither an intellectual giant like Faust nor a possessor of position like Job, but an insignificant keeper of a little shop in the south of Russia. In the drama, as apart from the "Prologue" and "Epilogue," there is nothing supernatural, no melodramatic or sulphurous appearance of a horned being with cloven hoofs, not even bargaining or bribery. Anathema simply tells David Leizer that he has become immensely rich through the death of a relative; and David, a virtual beggar, become Crœsus, for a short time enjoys anticipating the pleasures and comforts his wealth will bring him. But he must be ruined, so Anathema points out to him the needs of the poor. He says: "Every ruble in your pocket is a knife which you thrust into the heart of the hungry. Distribute your fortune to the poor, give bread to the hungry." It is true David dislikes the idea of death, and such actions will not make him immortal; but, says Anathema, "By their life you will prolong your life. Now you have one heart—but then you will have a million hearts." This nineteenth-century devil is more subtile than the whimsically satirical Mephistopheles, whose chiefest bribe is a woman. Anathema is confident that the distribution of Leizer's sudden wealth among the poor will result, not in permanent good, but in a riot of evil jealousies and unrestrained passions. And he who ruins his fellow-men shall be damned! He is persuasive, and under his influence David becomes lyrical. He pictures himself as feeding the poor little children. He says: "I myself shall bring them bread and milk. . . . Children are so tender. . . . They need so little; they eat a little crust of bread and they have enough; they drink a cup of milk and they know no thirst any longer. Then they sing. . . ." The inevitable happens. The people flock to the feast and the distribution that David offers: they bring him their young to feed, their

sick to heal, their dead to raise; but he can neither feed their young, nor heal their sick, nor raise their dead, and his riches are not sufficient that every one may have a little. They clamor and threaten till, in fear of his life, aided by Anathema, David flies only to be caught by the mob and stoned to death. Then Anathema returns to the Gates to taunt the Guardian with his victory. He boasts that when he left the earth a million throats were crying: "David is a deceiver! David is a traitor! David is a liar!" and is astounded when the Guardian informs him that David has attained immortality. The game is not fair. His efforts and achievements are nullified. It would seem that, like Mephistopheles, he "always wills the evil and always works the good." He is to a certain extent sorry for David: when he saw David die he, who has not a heart, doubted for a moment if a heart could not be born. But he looks at the matter as Nietzsche viewed it. David lived a futile, weak creed and gave his own soul away. Not having fed the hungry, not having restored sight to the blind, and not having raised the dead, he has merely stirred up dispute and bloodshed—he incontestably manifested the powerlessness of love—the people committed crimes in his name. After all, he questions somewhat like Pilate, "Where is the truth?" only to receive the answer: "My face is open, but you see it not. My speech is loud, but you hear it not. My commands are clear, but you know them not. And you will never see, and you will never hear, and you will never know."

At this point nothing remains except the summing-up of the matter, and Andreyev injects into Anathema's final retort all the bitterness, venom, and subtility of the modern supermen who, pledged to a gospel of pure reason, attack revelation. The Guardian who apparently knows the truth refuses to speak except in riddles, while, because of his enigmatical utterances, crimes are committed in his name. Anathema, therefore, will go back to the earth to proclaim how good David was, what a sin it was to kill him, and to stir up other people to kill those who killed David. "Then," he remarks to the Guardian, "I shall announce to the people that you are the one who killed David and the people—they will believe me. For you have such a bad reputation—of a liar, a deceiver, a murderer."

The differences between Satan, Mephistopheles, and Ana-

thema are no greater than those between Job, Faust, and David Leizer. Each of the tempters and each of the tempted represent the thought and aspirations of the periods in which they are made to live. Job, typical of the Hebrew patriarchs, is a man believing sturdily in God and enjoying the number of his sons and daughters, his flocks, his herds, and his fields. His trial is to have that which he has acquired taken away: his reward to have it returned increased in magnitude. The problem is simple, not complex, as with Faust, who is consumed by a thirst for knowledge. Job, as befits the thought of his race, is the prize played for by higher beings; Faust, the product of the Renaissance, the searcher after knowledge, is the cause of his own danger. Moreover, whereas Job is simply a victim, Faust is a bribe-taker till, grown satiated, he, at the age of a hundred, devotes his energies to the reclamation of land from the grasp of the sea in order that he may establish thereon a free people. The earthly reward to Job consisted in an increase of his possessions; to Faust the "highest moment" was when he saw as in a vision the fruit of his labors—"a free people living on a free soil"; a people engaged in labor it is true, but only because "he only earns his freedom and existence who daily conquers them anew." Noble as was Faust's impulse, there is nothing to indicate that he contemplated self-effacement. Like his creator, he knew himself to be of the aristocracy of intellect, and abdication would have seemed to be mere foolishness. Looking in spirit on his completed work, he rejoices that "one mind," his mind, "suffices for a thousand hands." He is of his time, a feudal overlord, and ignorant of what we to-day understand by the brotherhood of man. On the other hand, David Leizer is of the nineteenth century, saturated with the spirit of Tolstoi. He does not consider himself superior to other men; he desires no reward beyond the knowledge that others are happy; he will accept no means of subsistence that his fellow-men cannot share. When, having given his soul in love to his people, they turn on him and stone him to death, he does not complain; he accepts his lot with resignation, so that Anathema says, "I saw how his spirit, grown dark, curled up piteously like a dead worm in the sun."

Devoid of the slightest diffuseness of language or irrelevancy of incident, Andreyev's poem moves forward with the

relentlessness of a Greek tragedy; its pathos is poignant and its lyric bursts, though dominated by the melancholy of minor chords, irresistible. Yet, despite its poetic beauties, it is as an interpretation of an old legend in the thought of to-day that it will live. That for neither Marlowe nor Goethe the " unknowable " of Spencer existed and that the supermen of their days had not developed the doctrine that self-abnegation is the equivalent of the betrayal of the race does not diminish the achievement of the Russian poet. He has taken the Spirit of Evil and made him the mouthpiece of the modern schools whose attacks on revelation, on the one hand, and the Christian code, on the other, bulk so largely in the ethical discussions of to-day. His answer to the problem is the same as given in the older stories. Job was rewarded, the Angels carried the immortal part of Faust up to Heaven, and the Guardian of the Gates says of David Leizer: " David has attained immortality and he lives forever in the deathlessness of light, which is life." Which is another way of saying that the explanation of this world lies in the next, and if this be not true the problem to all poets seems insolvable.

O. R. Howard Thomson.

ARVEDE BARINE

A WOMAN CRITIC OF WOMEN*

BY FLORENCE LEFTWICH RAVENEL

MATTHEW ARNOLD'S crusade against the Philistines was of the nature of a holy war. His critics at home and abroad might not always penetrate the meaning and tendency of this new doctrine, but they felt intuitively that the ark of their covenant was threatened by a profane hand, and preachers and teachers were quick to sound the alarm. It is well, no doubt, that time should have assuaged so much of that old bitterness and spite; but for those of us to whom the word of the great schoolmaster is still law the silence that begins to fall around his name is of evil omen. Perhaps, indeed, it is his name only that we miss. It may be that those truths which came from him with almost the force of a revelation have become to-day a part of the common heritage of knowledge. His phrases, his very tricks of expression, still rise to our lips unbidden, like the words of Scripture. Are we not, with every intention of being original, thinking his thoughts after him in perfect good faith?

One service surely he rendered to us in America for which

* Arvède Barine is the pseudonym of Mme. Charles Vincens; born 1840; died 1908. M. and Mme. Vincens with their son moved from their home in La Rochelle to Paris about 1870. There Mme. Vincens, after a number of years of diligent study of foreign languages, both ancient and modern, entered upon her literary career, first as translator and later as critic and essayist. Her earlier work appeared in the *Revue Bleue* and the *Bibliothèque Universelle*. Many of her latter and better-known studies have been published in the *Revue des Deux Mondes*.

The list of her principal works is as follows: *Portraits de Femmes; Princesses et Grandes Dames; Bourgeois et Gens de Peu; Poètes et Névrosés; Alfred de Musset; St. François d'Assise; La Jeunnesse de la Grande Mademoiselle; Louis XIV. et la Grande Mademoiselle; Madame, Mère du Régent.*

we have not yet fully acknowledged our debt; with mild but steady insistence he urged us to look to France, as well as to Germany, for intellectual guidance. There was a time when we were rather disposed to be fascinated by the range and profundity of German learning. Our own scholarship was still very crude, and our educational reformers failed for a time to perceive how mechanical was our adaptation of German methods and what a *reductio ad absurdum* the system of so-called original research may become in unskilled hands. It was well, then, that we should turn our eyes to the land of Bossuet and of Molière, to the faults of whose chief spirits we of English race are little prone, while their intellectual virtues are for us the most needful and the hardest to win. "We count not ourselves to have attained, nor to be already perfect"; but if our minds are in some degree cleared of cant, if French thought and French speech have a growing importance in our discipline and our students flock each year in greater numbers to the schools of Paris, we may well see in the influence of Arnold one source of this salutary change. After all, to have saturated the choicest spirits of two generations with his theories and opinions is, perhaps, glory enough for any man.

If it seems overbold to invoke so great a name in introducing a French critic almost unknown in America, my excuse must be the practice of Matthew Arnold himself; with his love of the French genius, his almost covetous admiration of their intellectual sincerity and lucidity, of the keen and fearless vision of their representative thinkers. This French woman who has attained an European point of view more completely than any—I had almost said Frenchman — since the days of Mme. de Staël; this Protestant speaking with judicial calm to a Catholic world; this woman writing chiefly to and about women, and reiterating in many different tones the things women like least to hear and would be most grateful to be allowed to forget—it is not without reason one may claim for her some of those qualities which the great critic most esteemed in her people, combined with others rare in any age or country.

Arvède Barine is a moralist, an interpreter, a painter of portraits in words. Like Sainte-Beuve, she is interested in a man's works chiefly because they are among the paths by which she can reach his soul. The conditions and circum-

stances that have molded him—the heredity which, more or less obscurely, has modified his genius, the moral crises that have at once revealed and determined his character—these are to her supremely worth while. Behind the artist, the soldier, the saint, the coquette, she is seeking the man or woman, and the vividness of the life which she evokes from faded canvas and yellowing parchment is as unexpected as it is delightful.

For the gift of life is supposed to be the final test by which we know the higher or creative forms of art. We are sure that the great heroines of fiction are of our race and kindred, though of larger growth. Tess Durbeyfield, Sandra Belloni, come to us from their makers' hands throbbing with intensest life, and for the moment at least we are swept away into the stronger, fuller current of their being. But it seems otherwise with men and women who have actually lived and the dates of whose births and deaths are authentically chronicled. After so many years and so many volumes, how is it possible for us still to follow with a passion of pity and suspense the inner history of Jane Welsh Carlyle? Or that the lonely years and uncomforted death-bed of Goethe's mother should so clutch at our heart-strings? Or that against the background of our comfortable mediocrity Teresa de Ahumada should suddenly stand forth a heroine to be likened only to Juliet or Desdemona, to be wept over and worshiped with a passion that defies the centuries? These things imply surely no ordinary imaginative gifts in an author, and set her quite apart from the conventional writers of memoirs and monographs.

And it is not individuals only that her pen calls back to life. There is a little essay of hers on one of the old Spanish Rogue Romances, *Lazarillo de Tormes,* which to my mind conveys more of the atmosphere of Spain in the sixteenth century than many volumes of history or research. There is another on the memoirs of a certain transplanted Arabian princess which transports us, our western and Christian nerves aquiver, to the heart of an African harem, so that for a season we live the life of its inmates and share with a painful realism their sensations and impressions. That, too, is a memorable picture of the Swedish Court, in the time of Gustavus Adolphus, where the little Christina was brought up.

The ignorance and credulous pedantry of both rulers and

people might almost dispose us to indulgence in passing judgment on Christina's sinister career. By a curious paradox

"this nation of illiterates was consumed with a faith never equaled even in our day in the supernatural powers and virtues of education. For ten long years Sweden fairly held its breath as it watched each stage of its sovereign's progress in Latin composition and mathematics. The Queen was beginning Greek; oh, what tidings of great joy! She was reading Thucydides; the country was spellbound; and when foreigners began to speak of the child as an infant prodigy it was esteemed cause for national thanksgiving."

It was this admiring, trusting, loving people that Christina so shamelessly abandoned and betrayed! History shows few darker pages than that on which is written the story of Christina of Sweden. Even after two hundred years her image inspires a sort of physical loathing which many greater sinners do not provoke. The ideal of the nation which would have in her both a king and a queen warped her nature past all straightening and fostered ambitions and cravings as vicious and abnormal as they were impossible of accomplishment. And now

"neither her talents nor her superior intelligence, her learning nor her courage, can save her from a terrible verdict. She is outside the pale of humanity, being neither sane nor responsible. Her misshapen body contained a perverted soul, not discerning good and evil. The brilliant Christina, who was almost a genius, was also a moral monster."

Mme. Barine has given us a series of studies, varying in scope and importance, which deal with certain heroines of the reign of Louis XIV. The story of the young adventuress Maria Mancini, niece of Cardinal Mazarin, is not only an enthralling tale of intrigue and pseudo-romance, it is also a vignette of the French Court during the early years of the great reign. Those were the days before the young king had found himself; while he was yet gathering those impressions and convictions which were to determine his policy and the fate of France. His passion for this brilliant, degenerate, strangely seductive young Italian was a flame that set fire, not only to his heart, but to his intelligence and his ambition. "She made him ashamed of the creature that he was—without ambition, without aspirations either good or evil; with desires that took no higher flight than the choice of a costume or of a *pas de ballet*." She made him mindful, in short, that he was a king and

that it was in his power to become a great king. This was a lesson he never forgot and which continued to bear fruit, we may add, long after the Mancini, foiled of her hopes, had transferred her fascinations to other fields. She sowed the seeds of that incredible self-confidence which was to become the religion of Louis XIV. and to animate him in his long and finally relentless struggle with the old nobility of France.

All the phases and vicissitudes of the long struggle are unrolled in the two volumes which Arvède Barine devotes to Mlle. de Montpensier. The frank, arrogant, dashing, yet essentially vain and childish character of La Grande Mademoiselle is an excellent type of the gallant old order to which she belonged, while the systematic degradation and abasement which that order suffered at the hands of the king are well illustrated in her history. Poor Mademoiselle! The success of the system was less complete with her than with most of the others. To the very end she was a poor courtier and a singularly exposed and defenseless woman.

The volume entitled *Portraits de Femmes,* consisting of essays written and published at different times, contains, in my judgment, Mme. Barine's choicest work as an essayist, her most penetrating criticism of life. She is a woman with a woman's delicate intuitions, a woman's power of sympathetic understanding; and yet her ready sympathies are controlled by a trained analytical judgment and by the most upright and the most uncompromising moral sense. Here there is no splendor of royal robes to dazzle our eyes, no etiquette of court or castle to divide and weaken the human interest; we are brought face to face, in the close contact of daily living, with several of the most eminent and distinguished women of modern times, and through these pages they live and move in all the changefulness and complexity of nature itself. The mist of legend, the cant of conventional biography, are swept aside; a hand as unsparing as the surgeon's, though with the artist's formative touch, lays bare the secret springs from which flow all the main currents of their life and action.

The impression which remains with us after reading these records is one of sadness—sadness that is not accidental and transitory, but inherent in the very nature of things. Perhaps, indeed, any human document, in proportion as it is true and vivid, must make somewhat melancholy reading.

Perhaps we have the right to demand only that the tragedy be not unrelieved, that a streak of misty sunshine fall sometimes aslant from the stormy sky. At least we would be assured that the storm and stress of the conflict, the burden and heat of the day's toil, were not borne in vain; for if those who stand in the forefront of the battle have no word of cheer or encouragement, what hope can there be for us of the rank and file?

And it is precisely because of her buoyancy, her unconquerable spirit of faith, love, and joy, that the figure of St. Teresa and her story, however often we hear it, remain among the most inspiring, uplifting, and at the same time profoundly moving in all history. Hers was a life of incredible labors, difficulties, hardships, and austerity; but all along her way there sprang up the rare and perfect flower of heart's-ease. Indeed, it is the salt of her delicious humor, her unfailing good sense, native wit, and energetic cheerfulness which make her intelligible to us who are not saints and mystics and to whom her trances and ecstasies, visions and ravishments, are forever a sealed book in a language to which we have no key.

And her achievements—how far more marvelous are they than any miracle claimed for her by the Church! Not only did she reform her own order, but she set in motion forces which finally revolutionized conventual life throughout Catholic Christendom. Perhaps only one of Latin race could to-day look back with so much indulgence and sympathy and so little repugnance as Mme. Barine does upon the manners of Spain and Italy three centuries ago. Certainly only one who had come to know and love it well could evoke for us, in all its wildness and harshness, that Spain where Don Quixote was but an average citizen, where the fierce and violent scenes of Lope de Verga's plays could enact themselves unreproved within the city walls, and even the convents were hotbeds of adventure and intrigue. This cruel, romantic, devout, bloodthirsty Spain, which was clamoring for bread at the very hour when all the riches of the western world were being emptied on her shores—this is, indeed, a background against which the form of Teresa de Ahumada stands out in bold relief. This was the stage for heroism and for madness, where the mere fact that a belief was absurd was no bar to accepting it, and that an action was impossible was no reason against attempting it.

This wonderful life had a fit setting. And out of it all, the ordeal of success so much more crucial than the ordeal of failure, she came unscathed.

"We see her grown old, exhausted, dying. What is left now of the fascinating Teresa de Ahumada? On the surface, nothing; only a little old woman with a wrinkled face, one arm useless, bent double with aches and pains, partially paralyzed, feverish, forlorn, piteous. Only her fine dark eyes still speak of her past triumphs. Looking deeper, there is everything; a creature intensely alive, lovable, exquisite; a heart of flame who would have been Dyonise, that Spanish Juliet, if she had not been a saint; . . . and she is a woman of genius withal, with serious and lofty ideas, and a bearing of incomparable dignity. The restless, capricious recluse of earlier years has become one of the great figures of the Catholic world. Taking her all in all, a being of rare perfection, saved from eccentricity, that snare of exceptional natures, by the most perfect good sense that ever dwelt in human brain."

"We may reject her opinions, smile at her candid faith and at her familiarities with the Almighty; we may even deprecate her influence over young and untried spirits. One thing is certain: we cannot live in intimate contact with this woman, even after three hundred years, without yielding to the power of that charm which subdued her contemporaries to her will and gave her the strength to remove mountains. And the secret of this spell is not far to seek. Saint Teresa was *alive* as no one is *alive* any more in our day, as few were, even in a time of abounding life like the sixteenth century."

"She never experienced that indifference which disintegrates. She could not endure melancholy, the inner root of weakness; she eschewed cowards and those whose only resource was tears. Courage was what she demanded of every man, and that he should not desert in the face of his destiny. She believed, willed, acted, and never did her heart prompt or her lips utter the questions, 'Is it worth while?' or 'What is the use?'"

But it was to her own order of Carmel that she bequeathed her most precious gift—an inspired legacy of faith, hope, and love stronger than death.

"Every evening, from ten to eleven o'clock, throughout the whole extent of the Christian world, the Carmelite nun is at prayer. Her prayer is not for herself any more than her smarting shoulders or the gnawing pangs of hunger that are always with her. The prioress has just been telling her, as she does each evening, that the Carmelite who is bent upon her own soul's salvation is a Carmelite unworthy of the name. She is there to pray, not for herself, but for others. She has heard, too, that this is the hour when the powers of evil are mustering in the world, and, since she entered the cloister, young and ignorant, these words awaken only vague images of mystery and terror. She prays, and in her waking dreams the great army of sin seems stealthily to invade the dark world. The throng grows greater; soon it will cover the earth. But no! right across the path of its advance there lies a group of prostrate forms. They are only poor, feeble women clothed in sackcloth, but before them

the dark army retreats for a moment, and here and there some soul is saved that would otherwise have been lost. The Carmelite bears with her to her cell the vision of her victory, and falls asleep in peace; and this splendid gleam of poetry she owes to St. Teresa, who believed that in the hope of expiating the sins of others was abundant recompense for any sacrifice."

It is indeed a far cry from St. Teresa to Jane Carlyle; and yet, far apart as they are in time, race, religion, and destiny, there is, perhaps, an inner kinship that goes deeper than all superficial divergence. At least we must admit that, among all Arvède Barine's heroines, there are none for whom her touch is so tender and delicate, her tone so reverent, as for these two. Like St. Teresa, Jane Carlyle lived, toiled, suffered, and died for an ideal—for an object, from her point of view at least, supremely worthy. She looked at life with steady eyes, and her dislike of exaggeration and extravagance was quite as strong as that of her Spanish forerunner. If I did not fear to fall into the very extreme she so hated, I would affirm that the Holy Office even in Spain never devised (for saint or sinner) a martyrdom more exquisitely excruciating than the life of Jane Carlyle. Certainly St. Teresa's path was rose-strewn compared with that of this brilliant, gifted Scotchwoman, wife of one of the rarest spirits of the nineteenth century. Genius apart, the difference between these two women was chiefly a matter of religion. Teresa de Ahumada was upborne always by the sense of a divine strength reinforcing her own. Heavenly voices spoke to her in her visions, and she confidently looked forward to finding at the close of her long and toilsome journey a "rest that remaineth" in a "City that hath foundations whose builder and maker is God." For Jane Carlyle there was nothing of all this; she had pinned her faith, had centered all her hopes, aspirations, and affections, upon the most unstable of all God's creatures —a man of genius.

It would be useless to tell again to readers of English the story of the married life of the Carlyles, though to the eyes of a French woman some things are plain and obvious which have hitherto been doubted or denied. One fact is certainly established. Whatever may have been Jane Welsh's sentiments at the time of her marriage, Jane Carlyle was later on deeply, incurably, hopelessly in love with her strange, uncanny husband. No other motive, according

to Mme. Barine, would account for her voluntary self-immolation through so many dreary years. Of Carlyle, too, this French picture is enlightening. It is not drawn without sympathy and appreciation; on the contrary, no harsh feature is emphasized and all honor is done to his splendid gift, his noble ideals, his stainless integrity of heart and life; due weight is attached also to his own very sincere wretchedness; but, after all, the portrait is forbidding enough. "No tenderness," says a friend of Mrs. Carlyle, "no caresses nor affectionate words—nothing for the heart. A glacier on a mountain would have been about as human a companion." He might have taken as his motto the famous line of Terence slightly modified for his purpose: "I am a man, and all things human are foreign to me."

With her characteristic mingling of insight and sympathy, humor and severity, Arvède Barine does not fail to point the moral of the piteous tale.

> "Great men are the most difficult to transform, precisely because they are made of a different clay, finer and less pliable than the common run of humanity. Therefore, with no intention of discouraging any woman who may aspire to marry a man of genius, it is perhaps expedient to explain to her that what these choice spirits have to offer in return for all they have a right to demand has no sort of connection with what is commonly meant by the word happiness. The satisfaction which a Mrs. Carlyle or a Lady Byron may expect is of a different nature—loftier, it may be, in the eyes of a few, less agreeable surely to the taste of the majority. The woman who makes choice of this lot should do so with eyes wide open, and provided always that her calling and election are perfectly sure."

Toward George Eliot, Arvède Barine takes a different tone. There is indeed a hint of dryness—I had almost said of grimness—in her treatment of our great novelist from beginning to end. George Eliot was a person who took herself and all that pertained to her with the utmost seriousness and reserved her humor strictly for the personages of her stories; and to the French mind, with its unfailing sense of measure and capacity for detachment and self-ridicule, the English woman's lack of simplicity and geniality is a serious blemish both in the woman and in the writer.

But Mary Ann Evans's relations with George Henry Lewes must be always the central fact in her otherwise colorless life, and her critic's treatment of her in this decisive episode must more or less determine his attitude

toward her as a woman and as a moralist before and after. And here, by a strange irony, the voice of her French critic rings out clear and true:

"She might have told herself that the happiness of the individual should be subordinated to the law upon which hangs the welfare of all, and that, as has been finely said, 'It is unworthy of great spirits to spread abroad their own trouble and unrest'; but she never thought of this. Genius is selfish; it wills to live, and, finding itself cramped in the molds made by society for the mass of average men and women, it breaks its bonds."

Judged by its immediate results, her course does not confirm the famous doctrine upon which her ethical system is based. More fortunate than her Tito or her Gwendolen, the consequences of her action did not pursue and drag her down. George Eliot won happiness with Lewes as she won glory, and, after a while, friendship, esteem, and popularity. What is still more remarkable from the point of view of the psychologist, "her character did not deteriorate—the usual result of wrong-doing and its surest punishment. Her soul gained steadily in purity and strength—a very strong proof (since the divine gift of remorse was denied her) that her conscience was really at peace."

"But for her too must come the judgment. It flashed upon her sight when the hour of glory struck—a glory so undreamed of in 1857. 'She thought she had counted the cost of her choice,' says Lord Acton, 'but she knew not what she had lost; what she really sacrificed was her right to freedom of speech, the first place among the women of her day, and a tomb in Westminster Abbey.'"

It is easy to see that Mme. Barine's real sympathy and enthusiasm are reserved for Jane Carlyle, baking bread in the solitary night watches, and for St. Teresa, wielding her broom with passionate energy in the intervals of her conference with Popes and Archbishops and of her mystical trances and ecstasies. For these women did not shirk the pettiest detail of their woman's lot; their most original and luminous ideas, their most ethereal visions, dawned upon them amid the dust and turmoil of strenuous daily living.

I said a little while ago that we need not expect to avoid the sadness inseparable from every sincere study of life; but may we not at least hope to extract from the history of these famous women an answer to our irrepressible

question: Was it worth while? The heroine of the essay which closes this series does not await our question. Her unhesitating, uncompromising "No" echoes through the pages of her story with a sad reiteration.

Sonia Kovalevsky was a young Russian woman of noble birth brought up rigidly under the old régime. After breaking lightly through the hedge of prejudice of her caste and her country, she won for herself, with the same ease and joyousness, a place in the foremost rank of contemporary scientists, made substantial additions to the discoveries of Lagrange and Euler, and filled for several years the chair of Mathematics at the University of Stockholm. Finally, however, this brilliant and successful scholar, still quite young, died of a malady so rare in our day as to be quite beyond the physician's power of diagnosis—a broken heart.

Mme. Barine has evoked for us all the elusive, baffling magic of this Slav nature, where heart and brain, reason and temperament, ambition and tenderness, are forever at war. Though we know the end from the beginning, still we follow with bated breath the slender, spirit-like form, with its shining eyes and child-like smile, through the years of her forlorn childhood shut up in a Russian nursery where the windows were never opened, past her agitated, adventurous youth, to the day of complete and glorious reward. We witness her splendid success in Paris, where the Bordin prize, offered by the Academy of Sciences for the most important contribution to an abstruse department of applied mathematics, was awarded to her by unanimous vote; and it is with an almost intolerable pang of pity and chagrin that we perceive how hollow is this triumph, how empty and desolate the heart which from our point of view should be bursting with pride and exultation.

And it is now, with this vivid and haunting picture still before our eyes, that Arvède Barine throws off the veil of parable and utters plainly her whole mind. It is here and now, at the opening of the new century, that, with a solemnity and an authority which become her well, this woman calls upon the women of her generation to pause a moment, as it were between two worlds, and take account once for all, without passion or prejudice, of this past which they are so eager to leave behind, this untried future upon which they are so anxious to set sail.

"Sonia Kovalevsky had dreamed the most extravagant dreams, and

behold! they all came true. She had broken with custom and prejudice and had set at naught the wishes of her family and friends, and, so far as men's eyes could see, no punishment had overtaken her sins. Her family had come to accept the situation, and public opinion had relented in the face of the integrity and the courage of the young outlaw. She had defied nature, which had made her a woman, while she had willed to accomplish a man's work in the world, and that indulgent mother had not taken vengeance on her mutinous child. What had she to regret? What more could she desire? Everything in life had gone her way. . . . Except two or three friends who held their peace, no one doubted that this woman was one of the great victors in the battle of life.

"Sonia Kovalevsky died young, after having exacted from her most confidential friend, the witness of her struggles, a promise to tell her story to the world. And lo! it appears that underneath all this glory and this admiration there were only ashes and tears, disappointment and despair. 'I have had,' said she, 'everything in life except the one thing needful.' This one thing needful which had been denied her was the life of the affections. Had she, indeed, mistaken her place ignorantly, and because it is our fate always to grope in the dark? Or had she not rather laid claim to a double portion at life's great banquet, and was this the mistake for which she was doomed to suffer even unto death?"

And Sonia Kovalevsky's case is typical, insists Mme. Barine. She is probably the most conspicuous and shining example of a woman whose brilliant and original gifts were developed by precisely the same training and discipline as if she had been a man, whose achievements received the same rewards and encouragements, only enhanced by her personal charm and the glamour of her sex. What voice shall reach us whose testimony convinces, if not hers?

"According to her own explanation . . . her unhappiness was the result of the dualism of her nature, which never allowed her to forget the discord between her feelings and her thoughts, between her longing to abandon herself completely to the object of her affection and the equally strong impulse to preserve her independence intact. It was the result of that eternal dualism which will inevitably arise in any woman gifted with creative powers, as soon as the passion of love awakens in her heart and asserts its power over her life."

"Sonia Kovalevsky's character was the consequence of her extraordinary intellect. Men of unusual gifts are almost always aggressive and absorbing. We are not to suppose that women will be otherwise if their cherished dream of intellectual equality comes to pass. The Christian theory of marriage had subordinated the individuality of the wife to that of the husband. The wife, under this régime, had the right to develop herself in such direction and to such a degree only as was consistent with the supremacy of the chief of the community. This was the price she paid for the protection assured her at the domestic hearth and for the heavy burdens she imposed. To-day this division appears to her unequal and unjust. Is she right or wrong? I cannot say; there

is so much to consider on both sides of the question. But let her rest assured of one thing: she must make her choice between the advantages, such as they are, of her present lot and those which await her if the new ideals prevail. Whether she admits it or not, she has a lurking hope that she may be able to hold fast what she has with one hand, while the other grasps the new treasures she covets; but this is an illusion. Men will never allow the tables to be turned upon them; they would be incapable of enduring a situation so anomalous."

This sad story is told with an intensity of restrained emotion, with a power of vision and realization, an exquisite delicacy and lightness of hand, which makes it a masterpiece of analysis and of interpretation, of creative criticism of the highest kind. And yet in the end Mme. Barine's conclusions leave us, to a certain degree, dissatisfied. For we may question — many of us will emphatically deny — the validity of her first assumption. We may suggest that Sonia Kovalevsky was a law unto herself, and not, in many important particulars, a type of womankind either great or small. We may question whether her capricious, ill-balanced, essentially unreasonable nature was really the result of her powerful intellect or only her inheritance from some remote Russian great-grandmother (such, indeed, is the tradition) who possessed these uncomfortable qualities unrelieved by genius. Genius is, by definition, exceptional, subject to no law of which we have knowledge. It is the wind of the spirit, blowing where it listeth and leaving no clue to the "whence" or the "whither." Many of the men and women of most powerful and original minds have either received from Heaven along with their other gifts, or won in the stern school of experience, the supreme power of ruling their own spirits. Poor Sonia, in spite of the abstract and impersonal subject of her studies, was perhaps but one more victim of the Romantic fallacy, and it is to be feared that for her happiness, under any conceivable conditions of actual life, would have been unattainable.

Arvède Barine began her literary career somewhat late. Had she written in her youth, would her theories and opinions, her attitude toward life, have been different? We have all been taught only too thoroughly that the kingdom of this world belongs to the young, and something, no doubt, this woman's work has lost in enthusiasm, in fire and faith, and intensity of conviction. But I doubt if any of those who knew her in life, or who have come to know her through her work, would subtract one day from those slow-moving

years which mellowed and ripened her spirit and made her at last a woman and a writer of such high and unique distinction. The good stars met in her horoscope and made her French woman and Huguenot. In her view of that world of Latin and Catholic civilization which she so loved her Protestant tradition supplies just that little gesture of detachment—that slight, half-rueful but sympathetic and indulgent smile—that is the surest antidote for hysteria or fanaticism. Standing, as she does, on the table-land of middle life, equally remote from the narrowness and immobility of age and from the blind passions and rash absolutism of youth, her message comes to us with a peculiar power and dignity and cannot lightly be set aside. She is of a race whose women have played always a rôle of importance; her studies, both broad and deep, have brought her into contact with the most interesting and representative personalities of modern Europe, and she has had for her living friends and counselors the foremost men of letters of her day.

If the translations which I have attempted are at all adequate, they may, perhaps, make it possible to appreciate in some measure the quality of Mme. Barine's style. But, as always, the individual flavor eludes the interpreter, be his hand never so cunning, his eye never so keen. On the one hand, her speech has the idiomatic simplicity, the familitary and *homeliness,* the *goût du terroir,* which belongs to one whose roots have struck deep into her native soil; while, on the other hand, the perfect balance and rhythm of her period, the sober elegance and flexibility of her phrase, are her heritage from the tradition of the seventeenth century. She has much wit, but even more humor, and both her humor and pathos have their springs deep in her knowledge of the human heart; when for her, as for St. Teresa, our low horizon is lifted and a ray of the light that never was on sea or land streams across her page, then her dreams and her visions are clothed with a subdued richness of color and image, a delicate play of fancy, and a power of poetic suggestion which are of no age or country, but are the gift of the gods alone.

Arvède Barine's message to her generation has, it may be, a note of reaction; but she bows to the established fact. With that " sweet reasonableness " for which her people, if not her sex, has enjoyed so just a renown, she accepts the woman of the twentieth century as the logical outcome

of forces set in motion by the nineteenth, the eighteenth, even her beloved seventeenth century. She acquiesces if she does not applaud. Her knowledge of women rests upon solid foundations. She judges and appraises them with a justice and a gentleness, a profound insight and an inexhaustible compassion, to which I believe no man has ever attained. If she is a feminist at all, she is of the school to which M. Emile Faguet has recently proclaimed his adhesion — a feminist without illusions. When we read her calm and lucid presentation of the case we are forced to perceive that some problems, the solution of which we have been taking for granted, still await a final word. Nor can we entirely resist the suspicion that for the women of today — even for those whose feminism is most thoroughgoing—any immoderate elation of spirit, any parading with banners in the market-place, in anticipation of the glories of the new era, would be, like the crowing of the cock before midnight, distinctly premature, an error of taste as well as of judgment.

Florence Leftwich Ravenel.

WILLIAM TINDALE

THE MAKER OF THE ENGLISH BIBLE

BY J. H. GARDINER

In this centenary of the English Bible it would be wrong if no attempt were made to draw some attention to William Tindale, the scholar, apostle, and martyr, who began the translation, and who gave to the book for all time the characteristics which make it what it is. He is known by name even to few persons to-day; yet by high character, by devotion to the truth, by undaunted courage through exile and persecution, he earned a place beside the great reformers and apostles. In the general history of the Reformation he has been overshadowed by Luther; in England he was obscured by the lawless selfishness of Henry VIII., and by the picturesque figures of Cardinal Wolsey, Sir Thomas More, and Thomas Cromwell. But even on the historical side his part in the English Reformation has been underestimated. In the intervals of his work on the translation he sent forth three controversial works which had a capital part in strengthening the religious ferment in England and the discontent with the corruptions and oppressions of the old Church. Sir Thomas More, in his semi-official defense of the Church of Rome, singled him out for refutation, and coupled him with Luther. Cromwell took long chances of Henry's displeasure in his efforts to draw Tindale back to England; and after Henry's break with the Pope, Tindale was still so leading a figure that some unknown members of the old Church sent a special emissary to Antwerp to betray him into the hands of the authorities there. That he is given so few pages in the histories of the times seems in part due to the pre-occupation of historians with political issues, in part to Tindale's own retiring personality.

When William Tindale was coming to maturity—he was

born probably about 1495—England seemed to be entering on a new and golden age, in which misery and ignorance should disappear. The evil times of the Wars of the Roses were slipping from men's minds, and there was a new king, young and joyous, and in full sympathy with the full tide of enlightenment that was just reaching England. John Colet, the great Dean of St. Paul's, of whom J. R. Green declares in his *History of the English People,* "the awakening of a rational Christianity, whether in England or in the Teutonic world at large, began with the Italian studies of John Colet," had been sweeping away the cobwebs of the medieval theology by the declaration that there are no mysteries in the Scriptures which cannot be understood by a devout layman. Erasmus, taking the word from Colet, proclaimed that "the true Christian's religion, instead of consisting in the acceptance of scholastic dogmas or the performance of outward rites and ceremonies, really consists in a true, self-sacrificing loyalty to Christ, his ever-living Prince." Yet in spite of them and of these obvious truths, the English Reformation was not destined to run smoothly to its end through a quiet and spiritual making over of the Church from within and above.

When Tindale was at the universities, however—he took his B.A. at Oxford in 1512, and his M.A. in 1515, and afterward studied at Cambridge—no shadow had fallen on the bright hopes for a purified religion in a new world. Yet if the shadow had not fallen, it was imminent. At the time that Erasmus, the wit, the scholar, the petted man of letters, declared in the preface to his edition of the Greek New Testament of 1517 his wish that the Scriptures might be translated into all languages of all peoples, the authorities of the English Church were whipping and fining weavers and farmers and small tradespeople for reading in stealth fragments of the Scriptures in Wiclif's translation. In 1517, too, Luther nailed his ninety-five theses against the abuse of indulgences to the door of the church at Wittenberg, and his doctrines and tracts soon spread to England. Then in the rough stress of the conflict Erasmus, and even Sir Thomas More, shrank back into acquiescence with the open worldliness of the Roman Church rather than take the chances of the revolution that was sure to follow the opening of the people's eyes. The enthusiasm for the new ideas cooled even more quickly when it reached the cloisters of the rich

monasteries and the palaces of the bishops. To the great mass of churchmen, engrossed with the temporalities of their offices, or like Wolsey occupied with affairs of state, or enmeshed in the subtleties of the scholastic theology, the teachings of Colet, which were echoed by Erasmus and put into living practice by Tindale, were both iconoclastic and sacrilegious. Their resistance to the spread of the new theology had substantial grounds, for on the subtle and intricate interpretations of the Scriptures rested the Church's hold on men's souls. And by the completion of an evil cycle the hold of the Church on the purses of the laity was linked with the scholastic theology; for if the priests alone could understand the doctrines necessary for salvation, they only could know what was sin and how it could be atoned for.

The times were ripe for some one to rouse England from its slothful content with such a state of affairs. Luther's voice had stirred all northern Europe, and his pamphlets, translated and secretly imported into England, were fanning into flame the smouldering sparks of the old Wiclif movement that the Church had never quite stamped out. In England no one man, as in Germany, was to carry through the Reformation; but William Tindale was to make it inevitable by giving the people the Scriptures in their own tongue, and by helping to make Englishmen see how far the Church had drifted away from the truths therein taught.

When Tindale emerged into the world from his studies at the two universities, he became tutor and chaplain in the family of a Sir John Walsh, in his native country of Gloucestershire. The Church in this part of England was rich and conservative, and Foxe's account of Tindale in the *Book of Martyrs* shows how little welcome were the ideas which Colet and Erasmus had sowed among their fellow-clergy. It was here that Tindale, in the story told by Foxe, after a heated discussion with a neighboring priest, blurted out the purpose of his life:

> "Communing and disputing with a certain learned man in whose company he happened to be, he drove him to that issue that the learned man said, 'We were better be without God's laws than the Pope's.' Master Tindale, hearing that, answered him, 'I defy the Pope and all his laws'; and said, 'If God spare my life, ere many years I will cause a boy that driveth the plow shall know more of the Scripture than thou doest.'"

To effect this purpose, from which he never after wavered,

Tindale in 1522 or 1523 went up to London to find a patron, with a translation of an oration of Isocrates as proof of his scholarship in Greek, and a letter from his patron to Sir Henry Guilford, the Controller of the King's household. It was an inauspicious time, however; in Germany the Reformation under Luther's lead was in full torrent, and Henry VIII., proud of his scholarship and confident in his orthodoxy, had published the answer to Luther which in 1521 had won him his title of Defender of the Faith. It was not until about 1525 that under the charms of Anne Boleyn he began to have scruples as to whether orthodoxy included obedience to the Pope. Wolsey was at the height of his luxury and arrogance; and the recrudescence of the Lollard movement was already seriously disturbing the high officers of the Church. Tindale had hoped for the patronage of Tunstal, Bishop of London, a friend of More's, and intellectually a sympathizer with the New Learning; but the temporalities of his see occupied Tunstal's mind, and he was probably shrewd enough to recognize that a translation of the New Testament into the tongue of the people might have large and unsettling results.

Accordingly Tindale, as he himself tells us, soon understood not only that "there was no room in my Lord of London's palace to translate the New Testament, but also that there was no place to do it in all England." He lingered in London, however, for two years, working diligently at his books. Humphrey Monmouth, a wealthy cloth merchant, who a little later was suspected of favoring the Lutheran movement, in his defense gave an account of his intercourse with Tindale:

> "The priest came to me again and besought me to help him; and so I took him into my house half a year; and there he lived like a good priest as methought. He studied most part of the day and of the night at his book; and he would not eat but sodden meat by his good-will, and drink but small single beer. I never saw him wear linen (in those days a sign of luxury) about him in the space he was with me."

In all that Monmouth says of Tindale there is an evident note of affection and respect.

In 1524 Tindale, seeing that there was no hope in England, went into exile and poverty on the Continent, and there accomplished his great work. Most of the time his movements are lost; but it is almost certain that he went first to visit Luther at Wittenberg; and it is not improbable

that he there completed his translation. Of the printing we have more certain information, thanks to the enemy who did his best to prevent it. Tindale had gone to Cologne, which had good printers, though it was bitterly opposed to the Reformation, and there in great secrecy began the printing. John Cochlæus, a fierce persecutor of the reformers, who tells the story, nosed him out, and got an interdict from the Senate of Cologne against the further printing. Tindale was able to escape up the Rhine to Worms, and to take with him the sheets as far as they had been printed. Thus the printing of the English New Testament began in secret and in peril.

At Worms, which was a Protestant stronghold, two editions of the New Testament, a quarto and an octavo, each of three thousand copies, were struck off. This New Testament was the first ever translated into English from the original Greek, for Wiclif had used the Vulgate; and it is the first translation into modern English, for Wiclif's language is that of the age of Chaucer. All copies of these editions have disappeared, except for a fragment of the quarto containing part of the Gospel of St. Matthew, and one copy of the octavo complete except for the title-page, and another more seriously mutilated. The style of this first translation fixed the style of the English Bible for all time. The books were smuggled into England, some of them it is said in bales of hemp, and there were received with eager delight by the reformers, and with fierce denunciation by the Church. The bishops bought up and burned as many copies as they could, but the presses on the Continent soon swamped this form of repression, and the New Testament only spread the faster.

For the next few years we know nothing of Tindale, except that for part of the time, at any rate, he was living in the quiet university town of Marburg. It was during this period that he finished his translation of the Pentateuch, and wrote the three controversial tracts which helped so powerfully to swell the stream of Protestant feeling in England. The first of these pamphlets, *The Parable of the Wicked Mammon,* which appeared in 1528, is a careful and sober statement of the doctrine of justification by faith. This doctrine, which was a corner-stone of the Reformation, cut at the roots of the control of laymen by the priests. The Roman Church taught that salvation comes through a de-

vout acceptance and performance of the sacraments, rites, and ceremonies of the Church, and that atonement for sin and remission of its penalties come through the deeds of expiation, whether by prayer, fasting, pilgrimage, or the payment of money which should be prescribed by the priest at confession. The doctrine of justification by faith swept away all such intermediaries between man and God, and taught that salvation comes through faith by the free gift of God. No heresy was more fiercely reprobated by the old Church than this; and Tindale's work was immediately denounced by the English bishops, and a list of twenty-nine distinct heretical propositions contained in it was held up for the warning of true sons of the Church.

The title of Tindale's next work, which was probably also published in 1528, *The Obedience of a Christian Man and How Christian Rulers Ought to Govern, Wherein also if thou mark diligently thou shalt find eyes to perceive the crafty conveyance of jugglers,* shows clearly the motive which led Tindale to spend so much time and energy on these tracts. The work is in the main a bold and vigorous denunciation of the intrusion of churchmen into affairs of the world. Tindale speaks of Rome as anti-Christ, and he exposes the greed and the worldliness of the clergy of his day with a vividness and directness which must have brought examples swarming to the mind of every reader. The style shows Tindale's gift of grim irony and terse phrasing at its best. The importance of the tract in its own day is shown by the fact that Foxe mentions several cases in which Protestants of the time carried it with them when they made their public profession of faith before the authorities.

Two years later Tindale followed this work with another which was even bitterer in terms, and which unluckily was based on twisted reports of what had been happening in England. In *The Practice of Prelates* he ascribed the moves for Henry's divorce from Catherine to the unscrupulous and treacherous intrigues of the bishops. Against Wolsey—"Wolf-see," as he called him in the punning fashion of the day—his indignation waxed hot; and he took high moral grounds on the unrighteousness of the divorce. He was too direct and single-minded to be a good politician in those days of brutal despotism on the one side and cringing subservience on the other.

In the mean time he had been drawn into a controversy

with Sir Thomas More. The latter, at the request of his friend Tunstal, the same Bishop of London who had received so coldly Tindale's petition for patronage in the translation of the Bible, had taken up the cause of the Church, and had sent forth a *Dialogue of Sir Thomas More, Knight, . . . wherein be treated divers matters, as of the veneration and worship of images and relics, praying to saints, and going on pilgrimage, with many other things touching the pestilent sect of Luther and Tindale, by the tone begun in Saxony, and by the tother labored to be brought into England. Made in the Year of our Lord 1528.* It will be noted that this title testifies to the fact that a man so well acquainted with the times as was More put Tindale on a level with Luther in the forwarding of the Reformation. To this *Dialogue* Tindale wrote an *Answer;* and to this More rejoined with a *Confutation* in five hundred dreary folio pages of theological subtleties varied by coarse abuse. In those days religious controversy felt few scruples about charity or restraint of language; but in this case it is Tindale rather than More who shines for moderation and sincerity of tone.

In his next work on the Bible Tindale turned to the Old Testament, and in 1530 he published a translation of the Pentateuch. Where or how he learned Hebrew we do not know. Perhaps it was when he was with Luther at Wittenberg, or during his sojourn at Marburg; but his translation of the Pentateuch and the notes appended to the separate books show that he had a very competent command of it. Here, as in the case of his New Testament, it can be shown that he worked with the Latin of the Vulgate and the German of Luther open before him; but he used both with the entire independence of a man who knows that his own knowledge and judgment are sound. The work was provided with prologues to each of the books, in which Tindale discussed various matters of religious doctrine; in the prologue to *Leviticus,* for example, he attacks the allegorical interpretation of Scripture, an abuse of the scholastic theology which had quite obscured the literal meaning. He also added marginal notes, often with application to the times: for example, to Balaam's "How shall I curse whom God hath not cursed?" he appends the note, "The Pope can tell how." The text of this work is the basis of the Pentateuch as we read it to-day.

Soon after the publication we get another of the few personal glimpses of Tindale of which record has been preserved. Thomas Cromwell, already working to the front of affairs, had from shrewd political motives staked his fortunes on the success of the new doctrines; he recognized that so powerful a writer as Tindale would be a strong ally in breaking up the traditional attachment of England to the old Church. Accordingly, he took some steps in private toward calling Tindale back to England. It was a bold move, for the latter's works had been fiercely denounced by name in a royal proclamation.

The first difficulty was to find Tindale, for he was a hunted man. When at last Vaughan, the minister to the Low Countries, arranged an interview in the fields outside Antwerp, Tindale protested his loyalty to the king in moving terms. Vaughan reports him as saying:

"If for my pains therein taken, if for my poverty, if for mine exile out of my natural country, and bitter absence from my friends, if for my hunger, my thirst, and my cold, the great danger wherewith I am everywhere compassed, and finally if for innumerable other hard and sharp fightings which I endure, not yet feeling their asperity, by reason I hoped to do honor to God, true service to my prince, and pleasure to his commons; how is it that his Grace, this considering, may either by himself think, or by the persuasion of others be brought to think, that in this doing I should not show a pure mind and a true and incorrupt zeal and affection to his Grace?"

Even after the arrival of Tindale's *Practice of Prelates* in England, with its denunciation of the divorce, Cromwell had the hardihood to persist in his purpose in spite of Henry's anger. Vaughan arranged another meeting with Tindale, at which, under Cromwell's orders, he suggested that Tindale might still have the King's pardon if he were willing to retract his opinions on affairs of state. To this half-promise Vaughan reports him as answering:

"What gracious words are these! I assure you if it would stand with the King's most gracious pleasure to grant only a bare text of the Scripture to be put forth among his people, like as is put forth among the subjects of the Emperor in these parts, and of other Christian princes, be it the translation of what person soever shall please his Majesty, I shall make faithful promise never to write more, nor abide two days in these parts after the same; but immediately to repair into his realm, and there most humbly submit myself at the feet of his Royal Majesty, offering my body to suffer what pain or torture, yea, what death his Grace will, so that this be obtained. And till that time

I will abide the asperity of all chances, whatsoever shall come, and endure my life in as much pains as it is able to bear and suffer."

All of Vaughan's despatches show how deeply he was impressed by Tindale's high purpose and purity of character.

In the absence of a free translation of the Scriptures, however, Tindale wisely declined to trust himself in the hands of the English clergy.

In these last years of his life he resided in the English House at Antwerp with the English merchants. Foxe has given a brief account of his life here, not improbably derived from Tindale's host, Thomas Poyntz, who later made desperate efforts to save him from the Flemish courts:

"He was a man very frugal and spare of body; a great student, an earnest laborer in the setting forth of the Scriptures of God. He reserved or hallowed to himself two days in the week, which he named his pastime, Monday and Saturday. On Monday he visited all such poor men and women as were fled out of England, by reason of persecution, into Antwerp; and these, once understanding their good exercises and qualities, he did very liberally comfort and relieve; and in like manner provided for the sick and diseased persons. On the Saturday he walked round the town seeking every corner and hole where he suspected any poor person to dwell; and where he found any to be well occupied and yet overburdened with children, or else were aged and weak, these he plentifully relieved. And thus he spent his two days of pastime as he called them. He was a man without any spot or blemish of rancor or malice, full of mercy and compassion, so that no man living was able to reprove him of any sin or crime."

In this retreat at Antwerp Tindale worked on at his translation. In 1534 he issued a careful and thorough revision of his New Testament, with many improvements in accuracy or felicity of rendering. This is the basis of all subsequent editions of the New Testament in English. He also went on with his work on the Old Testament, and finished the historical books through *II Chronicles*. This part of his work, however, first saw the light in the edition of the Bible known as "Matthew's," which was edited by John Rogers, later the first martyr of Queen Mary's reign.

The end of Tindale's labors for our race came in 1535, when he was decoyed out of the protection of the English House and of the free city of Antwerp by an emissary of the reactionary party in England, and delivered over to the Flemish authorities on a charge of heresy. Once in their hands there could be only one outcome; for the Low Countries belonged to the Emperor, and were therefore Catholic.

The trial was leisurely and dignified, as if nothing more important than metaphysical doctrines of theology were at stake; and Tindale had full chance to defend his belief, though his defense only made condemnation surer. Cromwell made some efforts to save him, and Thomas Poyntz did all that man could do. But the times were most unfavorable for their efforts. In August, 1536, Tindale was found guilty, and soon after he was strangled and his body burned at the stake. Foxe reports that his last words were, "Lord, open the King of England's eyes."

Tindale seems always to have left in men's hearts a feeling of warm personal regard. From the testimony of Humphrey Monmouth, who befriended him in London, to that of the Procurator-General of Flanders, who conducted his prosecution, and who declared that he was *homo doctus, pius, et bonus*—"a learned, good and godly man," as Foxe translates it—all that we know of him speaks of him as a man of singular purity and high-mindedness. From the beginning he was impregnated with the enlightened and spiritual common sense of Colet's teaching; and he never lost sight of the fact that the religious life is a life of pure and simple living, of kindliness and unselfishness and practical works of charity.

His indignation with the abuses of the old Church carried him to a bitterness of speech that in these days would be harsh and unfitting; but so gentle and humorous a man as Sir Thomas More far outdid him in unseemliness of abuse. We must remember, too, that Tindale had been driven into exile for no reason but that he wished to give the Scriptures to his countrymen in their own language, that the bishops were burning English New Testaments as fast as they could buy them up, that Wolsey stood at the head of the English Church, and that gross lives of many monks and friars and of some higher churchmen were a byword in the mouths of the people. It was a time when stinging words were needed. Erasmus played around the old abuses with his lambent wit, and then cried for peace when there was no peace. Tindale, like Luther, struck home at them with a grim and penetrating directness that meant war to the death between him and those whom he held to obstruct the pathway to salvation.

To Tindale's scholarship there is ample testimony outside of the well-recognized fact that his translation fur-

nishes the basis and substance of the Bible as we read it to-day. Sir Thomas More admitted that "before he fell into these frenzies he was taken for full prettily learned"; and Hermann Buschius, a friend of Erasmus and Reuchlin, and one of the chief scholars and critics of the time, wrote that the Englishman who translated the New Testament into English was "so skilled in seven languages — Hebrew, Greek, Latin, Italian, Spanish, English, French—that whichever he spoke you would suppose it his native tongue."

He needed something more than scholarship, however, to create the style of the English Bible, for he was translating into a language on which for two generations to come scholars were to look down as rude and uncouth. For a final equipment he had the magical gift, through which he was able to clothe the literal meanings of the plain English words he used with the warm and elevated feeling which gives them life. He was helped by his purpose to give the gospel to the unlettered people as well as to the educated, for thus he was forced to use words which have all the richness of association with the things among which we live and move and have our being. Such words, too, are the best representatives of the Hebrew and Greek originals, for all the books of the Bible were written in the beginning for the unlettered, and are marked by a singular concreteness of phrasing.

With this necessity for using the living words of his tongue, and the genius to turn them to noble use, Tindale had the gift of so putting his words together as to suffuse them with the warm feeling which comes from rhythm and the harmonious succession of sounds. His controversial passages have many eloquent passages, and are constantly marked by a terse and grim irony that strikes home like a heated iron; and there is a letter of his to John Frith which is hardly surpassed in the language for tender and elevated beauty. His translation necessarily suffers in our ears as we read it through the small differences from the phrasing with which we are familiar; yet even so, one feels in this first translation all the strong movement, the stateliness and elevation, and the earnest ring of feeling which puts the Bible at the head of all that has been written in English.

J. H. Gardiner.

THE INDUSTRIAL PROBLEM

BY ANDREW CARNEGIE

THE press is filled with disquisitions upon the Sherman Law—Competition *vs.* Co-operation; Combination, Regulation, and so forth, in the industrial world.

We assume the following as indisputable:

First. The cheapest mode of production of articles in general use is best for the nation as a whole.

Second. Enormous works and immense aggregations of capital are indispensable, since production must be conducted upon a large scale; the larger the product, the more economical, the less the general expenses and many other items of cost; these divided by a thousand tons or a hundred thousand tons yearly product, by ten thousand tons or a million, make the difference between higher and lower prices for the producer, and hence should do so for the consumer. Very small product does not justify the enormously expensive but most economical machinery and organization.

Third. Granted combination, there must be regulation, and as no judge the world over is allowed to sit in judgment in a case in which he is personally interested, so no producer can be judge of prices.

Fourth. It follows that an Industrial Court must be formed which shall fix maximum prices, that the consumer may be protected against extortion.

Fifth. Since interests of producer and consumer differ, one benefited by low prices, the other by high, the Court should aim to decide justly, giving capital and ability liberal compensation that these may be tempted to develop production and continue therein, always improving in methods. The laborer is worthy of his hire; so is the capitalist, the support of both being necessary for the welfare and progress of the race.

Sixth. In fixing maximum rates, the Court should be

guided by the average cost of production in manufacturing plants properly constructed and well-managed. These costs will differ, but when a fair profit is added to cost there will remain at least a part of this profit more or less for works as these approach the standard of production. Works which do not should suffer the consequences of failure to keep abreast of the times. Should there be either unfit works or mismanagement, or both, and these usually go together, much better for the industry, and as a rule for the owners as well, that their works should pass into other hands. No permissible prices will save mismanagement.

Seventh. There is nothing revolutionary in creating an Industrial Court. We have the Interstate Commission which fixes railway rates, and the Court of Commerce, its court of appeal. The greatest of all organizations, the Pennsylvania Railroad, appealed recently to the former for permission to advance a rate and was denied. It sought no appeal, thus setting a good example to others. To-day the Court of Commerce is hearing an appeal from a decision of the Interstate Commerce Commission respecting railway rates.

The industrial world never saw such demoralization in rates as prevailed in the railway service when the writer entered the field. He has known of flour shipped from Pittsburg to Cincinnati by river over five hundred miles, and then by railroad to New York, passing through the streets of Pittsburg, for less than the Pennsylvania Railroad would carry it from Pittsburg direct to New York. Just and uniform rates have been evolved, and peace reigns in rail transportation simply by the rulings of a national authority. Few advances made in recent times will rank in history with the founding of these two courts. The question of the tariff is to find satisfactory solution through the commission created by President Taft, now investigating costs of manufactured articles. The reign of law is already established over National Banks. We have only to extend it over the industrial domain.

The President's attitude was clearly shown at Columbus in 1907. He said:

"I am inclined to an opinion that the time is near at hand for an amendment of the anti-trust law defining in more detail the evils against which it is aimed, making clearer the distinction between lawful agreements reasonably restraining trade and those which are pernicious in their effect, and particularly denouncing the various devices for monop-

olizing trade which prosecutions and investigations have shown to be used in actual practice. The decisions of the courts and the experience of the Executive and prosecuting officers make the framing of such a statute possible. It would have the good effect of making much clearer to those business men who would obey the law the methods to be avoided."

To-day he favors a Federal Incorporation Act supplementing the Sherman Law. The writer believes that he will finally be led to favor an Industrial Court charged with enforcing fair prices and preventing extortion as the only effective remedy.

On November 13th we had in the press Mr. Untermeyer, a notable acquisition, advocating "an industrial commission of seven members appointed by the President with the advice of the Senate, with similar powers to the present Interstate Commission. Its decisions to be subject to appeal to the Commerce Commission." The writer was forced to this conclusion years ago, as he believes others must be who, like Mr. Untermeyer, make a study of the problem.

Recent cables announce that the French Government has introduced a measure intended " to prevent speculation in provisions or any kind of merchandise by making it a crime "—another proof of the necessity which has arisen in our day for preventing extortionate prices. We are not alone; look where we may, the problem now is how to secure fair and reasonable prices to the consumer in spite of combination or monopoly.

It is believed by some that monopoly depends upon " the proportion of control obtained," which as able a newspaper as the New York *Times** editorially sustains; therefore " a license " is to be required of Interstate Corporations when they secure a certain proportion of the trade. The truth is that the proportion of the trade which any concern may gain is immaterial. The small and the great producers have a common interest and will be found in the future, as they have been in the past, cordially co-operating to the common end, that of promptly exacting from the consumer higher prices than an Industrial Court would be likely to sanction. It is not the leading member of any branch of industry which as a rule will give the most trouble to the Court, but the numerous small concerns to which immediate gain seems all-important. The great corporation with a long future before it is able to take wide and long views and

* Sunday, November 12, 1911.

plan for permanent results. It has to regard and defer to public opinion. The eye of the nation is upon it alone and never upon its obscure associates. It has to bear the responsibility of action taken. The Standard Oil Company, the Harvester Trust, the Tobacco Trust, the United States Steel Corporation, are all proofs of this.

Every member of any industry, large or small, should therefore be placed upon the same footing and subjected to the same laws. If it ever became a disadvantage to belong to the leading concern, because of its being differentiated from the others, there could easily be such transfer of shares among the principal shareholders of the various companies whereby the real leaders would still control policy, and in every successful corporation there are such who march to the front through merit. Co-operation between various companies engaged in any industry is difficult to prevent or control; hence the necessity of keeping every member under the same rules and subject to the decisions of the same Court. If no producer can hereafter obtain more than fair and reasonable prices from the consumer, the relations between the producers themselves need no longer give the public much concern. Nothing they can possibly do can enable them to extort unfair prices, all accounts bearing upon cost being open to the Court. The leaders can be safely trusted to produce correct returns and to obey the laws in every particular.

It is not destructive but constructive legislation that is needed; not primarily the punishment of producers, many of whom have been guiltless of intention to break a law which has only been recently interpreted by the Supreme Court and is not yet quite clearly defined.

Of course the President must do his duty. He has no alternative. The law must be enforced, but we may rest assured from his moderation as a man, and experience as a judge, that he will prove most solicitous to disturb existing conditions just as little as possible in bringing them into harmony with the law as it at present prevails, or as it may be hereafter clearly established. That there will be needful and clearer definitions from time to time to meet new conditions is certain, but that is Evolution, not Revolution. Industry would make no progress otherwise, and even courts, like all other human creations, must march with the times.

In this march upward we shall not be disappointed in having in due time the cordial co-operation of the industrial world as a whole, no branch of which can expect to be permitted to fix or maintain arbitrary prices for its products, or all its members to concur in "understandings" which create a practical monopoly in restraint of trade and thereby produce results contrary to law.

Judge Gary, Chairman of the Steel Corporation, occupies an advanced position in this matter. His testimony* shows this—"I believe we must come to enforced publicity and governmental control." In answer to Committeeman Young's question, "You mean governmental control of prices?" Mr. Gary replied, "I do; even as to prices. . . ." Asked by Committeeman Littleton, "Is it your position that co-operation is found to take the place of competition?" Mr. Gary answered, "It is my position." And to Mr. Littleton's query, "And that co-operation therefore requires strict governmental supervision?" Judge Gary responded, "That is a very good statement of the case. I believe that thoroughly." On page 249 of the same report, in reply to a question in regard to controlling prices, he adds, "If I were to be more practical in any suggestion I made, or if I should suggest an alternative for an absolute fixing of prices by the Government, I would suggest that possibly there might be a Federal license law." Here the Judge is in accord with President Taft. There is no objection to such license, but the root of the problem lies in the fixing of maximum prices. In all this Judge Gary occupies, in the opinion of the writer, an unassailable position.

On the other hand, the precious example of the United States Steel Corporation, under the direction of Judge Gary, in offering advantageous terms upon which its workmen can become shareholders, of which they have availed themselves so freely; in providing eight millions of dollars as a pension fund for its employees and uniting it with the four millions given by the writer upon his retirement from business, for a relief and pension fund for workmen in the Carnegie Works, and its generous treatment of men injured, are gratifying proofs that Labor and Capital are drawing closer together. This most desirable feature must not be overlooked. Instead of a few partners under the

*Page 79, Hearing No. 3 before the Committee on Investigation of United States Steel Corporation.

old system, we have in one company the cheering spectacle of more than a hundred thousand shareholders, and *no less than thirty thousand of these employees.* Judge Gary and Mr. Perkins are to rank as the great pioneers in this noble advance. It is advisable that in our day at least workmen shareholders should be guaranteed against actual loss upon their shares as small homesteads are exempt from mortgages.

It is to this feature I wish especially to call attention, as it contains, in my opinion, the germ of the future peaceful consolidation, through partnership, of Labor and Capital. Many a time since the writer's retirement from business he has felt that if he were induced to return thereto, his chief aim would be to address many thousands of workmen as "fellow-shareholders." He envies Judge Gary, chairman of the Steel Company, who has this privilege to-day. The Harvester Company has been another pioneer in this beneficent movement, and to-day we hear of it creating a large pension fund for employees. The work goes bravely on. Capital is steadily awakening to a keener sense of its responsibilities to Labor, and Labor's hearty response will soon be seen in closer relations with employers than ever before. We may expect a great and continual advance in this direction, for it is not only just, it will prove highly profitable to both parties. Capital, Labor, Ability, constitute a three-legged stool, each member indispensable; neither first, second, nor third, but all equal.

The Sherman Law was passed twenty-odd years ago, and until recently has lain practically unsheathed in its rusty scabbard as far as industrialism is concerned.

The dissolution of the two " monopolies " which has been ordered has met with general approval because of certain features common in the past, but which our age has outgrown. Some of the means taken to create and maintain combination or " monopoly " no longer meet either approval or toleration. These are hereafter to be rendered impossible; so far so good. Another prosecution, that against the United States Steel Corporation, has recently been ordered by the President in strict accordance with his sense of duty, and the Supreme Court is probably to pass upon that. If so, until a decision is rendered years hence, the country must await judgment and the corporation remain in suspense. This is indeed unfortunate. It would

seem that an early conference between the company and the proper governmental authority might result in a mutually satisfactory arrangement. The Attorney-General is now engaged framing rules for two of the companies recently ordered to dissolve. Since this article was written, we learn that rules for one of these companies have been agreed to and approved by the Court. Perhaps he could devise or accept a plan under which the Steel Company might operate freely under the law. That it desires to comply with the law and must comply with it is certain. Conference might, therefore, in this case be successful, and terms agreed upon between it and the Government as substantially in accordance with the Supreme Court decision, thus freeing the company and the country from years of doubt and hesitation.

Meanwhile it behooves us to keep quiet minds on the subject. The Republic has triumphed over all difficulties in the past and will easily triumph over this, which is really not alarming. An Industrial Court passing upon fair prices, as the Interstate Commission passes upon railway rates, is all we need. We are soon to look upon the coming change in laws regulating industrialism as desirable, rejoicing that it brings better security of fair and deserved returns, although no longer monopolistic prices, to the producer, fairer prices to the consumer, and closer and more friendly relations between employer and employed than ever existed before, and especially welcome for the introduction of the germ which is destined to prove the best possible solution of the problem of Capital and Labor, Workmen Shareholders, no Union comparable to this union of employer and employed. Let us get Capital and Labor into the same boat, rowing together, and all will be well, and we shall have made another great step forward in obedience to the eternal law of progress which insures the continual ascent of man by a law of his being to higher and higher stages of development on earth toward perfection.

ANDREW CARNEGIE.

"THE IRON WOMAN"

BY MARY TAPPAN WRIGHT

Mrs. Deland's last book is so much the natural sequence of her earlier work that there is danger of losing sight of its greater significance. Whether the author's choice of a larger scheme was conscious or unconscious, it remains true that *The Iron Woman* is her greatest effort and that she has succeeded, beyond all cavil, in accomplishing what she set out to do. This success has been brought about through so much reserve and restraint that there is almost a feeling of hesitation in noticing it. Every consideration has been laid aside but that of presenting the subject clearly and truthfully, and the style has become a crystal medium through which we are enabled to watch living characters moving, unconscious of observation, through actual scenes. The smoky, lurid Mercer of forty years ago is as true to its time as if it were a town of yesterday; and those who have stopped, as David did, on its reverberating, covered bridge to look down " at the slow, turbid river rolling below " cannot be too grateful that the picture has been preserved to them.

"He stood there a long time leaning on the hand-rail. On the dun surface a sheen of oil gathered, and spread, and gathered again. He could hear the wash of the current, and in the railing under his hand he felt the old wooden structure thrill and quiver in the constant surge of water against the pier below him. The sun, a blood-red disk, was slipping into the deepening haze, and on either side of the river the city was darkening into dusk. All along the shore lights were pricking out of the twilight and sending wavering shafts down into the water. The coiling smoke from furnace chimneys lay level and almost motionless in the still air; sometimes it was shot with sparks, or showed, on its bellying black curves, red gleams from the hidden fires below."

This and many another beautiful description throughout the book is as much a part of its period as is the Iron Woman herself. Before her rough, whirling vitality all the

other characters are subordinated with a self-denying skill that absolutely hides its own perfection; but the ineffective gentility of Cherry Pie, the colorless loyalty of Nannie, and the barking fidelity of Mr. Ferguson belong distinctly to their time and their locality, as do the tentative gaiety of Helena Richie, the egoistic independence of David, the lazy "culture" of Blair, and even the turbulence of that flame, Elizabeth—burning away her own dross, flinching, flickering, veering, but bright to the end. Together, without one jarring discrepancy, they take their places in our memories with the things that indisputably have been; an invaluable record of a period in the life of our Middle States that has passed away, not to return.

The Iron Town of to-day is at once more sordid and less homely than it was in the late sixties and early seventies, and the changes, spiritual and material, that have been wrought in the course of nearly half a century make the thought of living in the midst of the Latins and Slavs who now form so large a portion of the population of a twentieth-century Mercer almost inconceivable; but the Iron Woman, not a woman of iron, but the head of the great Maitland Works, lives on, after her husband's death, with her son and stepdaughter, in the old Maitland house "pressed upon by the yards of the Maitland Works and almost islanded by railroad tracks." Two other children—Elizabeth Ferguson, the niece of Robert Ferguson, Mrs. Maitland's manager; and David Richie, the adopted son of Mrs. Helena Richie, Robert Ferguson's tenant and neighbor—are companions of the little Maitlands, and all four of them are taught by Miss White, Elizabeth's governess, at the manager's house, until they have outgrown her inefficient tutelage, when the girls are sent to a day-school and the boys go away to prepare for college. Blair Maitland, whenever he comes home, is made acutely miserable by the ugliness of his surroundings. He "found everything hideous, or vulgar, or uncomfortable, and he said so to Nannie"—his sister—"with a violence that betrayed real suffering. For it is suffering when the young creature finds itself ashamed of either father or mother." And Blair was not only ashamed, but bitterly annoyed, by the careless coarseness of his mother's household, the rudeness of her manner, and the neglect of her person. His "conventionality was insulted at every turn; his love of beauty was outraged. As

a result, a wall was slowly built between the mother and son." Nothing is spared us in the delineation of the Iron Woman. We can almost see her with Blair's unloving eyes—almost, but not quite; for as she walks about her dreary house, knitting baby socks and trailing her ball of pink yarn behind her, we see her softened and lovable, with a heart of gold, and we recognize with keen pleasure the unequaled skill and justice in Mrs. Deland's account of the inevitable clash between these warring temperaments.

The companionship of the children is also most delightfully described. Their quarrels, their love-affairs, their ambitions, are told with perfect sympathy and charming humor. Their doings and the elderly friendship that grows between Mr. Ferguson and Mrs. Richie give the story a lightness and cheer that completely cloaks its grim and thorny reality. Even Elizabeth's hot, ungoverned outbursts of anger seem less a menace than an amusing, childish waywardness, and we overlook them because of her quick repentance and savage penance. There is nothing in Elizabeth of Tattycoram's harsh, prolonged perversity, nor of Lady Deadlock's manufactured pride and temper; in literature she appears as a fresh, unhackneyed variant of the vehement character, and Mrs. Deland has given her to us with all her defects and qualities so real, so entirely convincing, that we do not for a moment question the truth of her mental process when she makes a runaway marriage with Blair Maitland, whom she does not love because of a violent fit of rage with her *fiancé,* David Richie, whom she does.

This treachery of Blair's is the final enlightenment of his mother. From his babyhood up she has given him everything that he has asked for; he does not know the meaning of "no." To want is to have; to desire is to take. Blaming herself bitterly, Mrs. Maitland, with characteristic directness, determines to save her son from her own mistakes.

. . . . "'I think that what I am going to do will cure you. If it doesn't, God knows what will become of you! . . . You can work, or you can starve. Or,' she added simply, 'you can beg. You have begged practically all your life, thanks to me.'"

. . . . "Now, her iron will, melted by the fires of love, was seething and glowing, dazzlingly bright in the white heat of complete self-renunciation; it was ready to be poured into a torturing mold to make a tool with which he might save his soul! But no spark of understanding

came into his angry eyes. She did not pause for that; his agreement was a secondary matter. The habit of success made her believe that she could achieve the impossible—namely, save a man's soul in spite of himself; 'make,' as she had told Robert Ferguson, 'a man of her son.' She would have been glad to have his agreement, but she would not wait for it.

"Blair listened in absolute silence. 'Do I understand,' he said, when she had finished, 'that you mean to disinherit me?'

"'I mean to give you the finest inheritance a young man can have: *the necessity for work!*'"

To this decision, in her last struggle for Blair's redemption, Mrs. Maitland holds unrelentingly. In her new will Blair is left with an income barely sufficient for his needs. At the same time she earnestly desires "to even things up with David," and she begins at once to put by money for the endowment of a hospital near the Works, of which David is to be trustee; but an accident occurs before she has taken the necessary measures to safeguard her intention. In a last heroic fight for life she repudiates bed as "a place to die in," and, lying in the dining-room, propped up with cushions, she sends her stepdaughter for a certificate of deposit which she had taken from the bank the day of the accident. Half delirious, she makes out the certificate to Blair Maitland, but she dies before she is able to sign it. Nannie, who is an unusually clever copyist and who firmly believes that her stepmother intended to sign the certificate, forges Mrs. Maitland's name, and Blair accepts the money. Nannie's act is discovered, the money is returned to the estate, and Nannie announces her intention of giving an equivalent sum to Blair out of her own inheritance.

"Then Elizabeth asked her question: 'And when you get the principal, what will you do with it?'

"'Invest it; pretty tough, isn't it, when you think what I ought to have had?'

"'And when,' said Elizabeth, very softly, 'will you build the hospital?'

But this Blair refuses to do.

"'It is David's money,' Elizabeth says. 'You took his wife. Now you are taking his money. . . . You can't keep both of them.'"

And when Blair persists, Elizabeth, unable to endure this last disgrace, flies to David. She is followed by Mrs. Richie, who, before it is too late, persuades her to return to her husband; but Elizabeth and David were hard to convince; they belonged to a generation for whom the rights of the individual shone with an appalling splendor, and before she

can persuade them to part Mrs. Richie is driven to disclose the deplorable secret of her own life's shipwreck.

In time Blair is shamed into offering Elizabeth her release; but, although there is a strong hint that she may not accept it, we are left uncertain as to her last decision.

It is impossible in a meager and almost misleading outline to give any impression of the convincing truthfulness of this book. All the events of the story grow, one from the other, in an irrefutable sequence; and yet the threads that in *The Awakening of Helena Richie* seemed to be left more or less at loose ends are not here by any means drawn to a firm knot. The rare intention of this is beyond a doubt.

As ruthlessly as might the Iron Woman herself, Mrs. Deland has shown us the hideous havoc that anger and idleness can work; she makes clear that when we have sworn we must keep the vow even to our own hindrance; she causes us to see with our own eyes that there are better things than even a happy love, higher things than our own good, and in Elizabeth's possible submission to her loveless marriage with Blair gives that counsel of perfection toward which the whole tortured story of Helena Richie's sin and repentance leads the way.

No one can see Elizabeth settling down to her life with Blair with equanimity; but at the thought of her building up where she has torn away, and reaping in steadfast courage the harvest of her own sowing, something glows within us and in our hearts we would decorate her—for valor!

We cannot but hope that for Elizabeth and Blair

> "there shall succeed a faithful peace;
> Beautiful friendship tried by sun and wind,
> Durable from the daily dust of life.
> And though with sadder, still with kinder eyes,
> We shall behold all frailties, we shall haste
> To pardon, and with mellowing minds to bless."

And may Mrs. Deland tell us of it!

MARY TAPPAN WRIGHT.

NEW BOOKS REVIEWED

GIFT-BOOKS

THE BLUE BIRD. By MAURICE MAETERLINCK. With twenty-five Illustrations in Color by F. Caylay Robinson. New York: Dodd, Mead & Co., 1911.

THIS is the most sumptuous and beautiful *édition de luxe* of this season, and has the advantage of giving beauty of garmenting to one of the great masterpieces of the age. As Kipling's ultimate bid for immortality must be the *Jungle Stories,* so perhaps may the universal fame of this much greater thinker lean ultimately upon this symbolic story which appeals to all ages and classes and kinds of humanity. In this lovely drama Maeterlinck has handled human life as a whole, showing the kingdoms of death and of birth, of luxury and of poverty, of nature, of futurity, of mystery and light, until one would seem to see visions as immortals upon unseen heights see them. It is a marvelous mingling of simplicity and profundity, of the individual and the universal life. The present edition of the play contains the latest alterations, and includes the whole scene with the Luxuries, which is the author's latest addition, made in view of the Paris production of the play. The forest scene which was omitted in the theatrical edition is happily retained, so that no least crumb of the poet's all-embracing vision is lost. Perhaps no living artist, unless perhaps it were Maxfield Parrish, could quite do justice to the imaginative delicacy and beauty of Maeterlinck's conception. But the color-prints here produced on soft gray paper are very lovely, although only in certain cases interpretative. The "Ship of Dreams" floating through the walls of the children's bedroom in the frontispiece is imaginative and fine. The "Blue Bird" hardly answers to what one dreams Tyltyl's bluebird should be, since the artist evidently conceives of it as a swan. "Fire" comes out unfortunately brazen in the print when one expects red and blue flame. The most charming picture of all is the "Land of Memory," as it was the most appealing in stage setting, being the simplest theme to grasp in the play. "Night" is not as impressive as it should be in either of the two pictures. The "Forest" and "The Grave-yard" are good, and the transformation scene of the grave-yard is quite exquisite. The "Luxuries" are far too blurred and obscure, and an opportunity for really fine imaginative work is entirely lost. The "Farewell of the Lovers" and "The Galley of the Dawn" are the two most successful illustrations.

This great masterpiece will lend itself to many great artists for illustration, and we shall hope some time to see Maxfield Parrish do a Blue Bird book.

CATHEDRAL CITIES OF ITALY. By W. W. COLLINS. New York: Dodd, Mead & Co., 1911.

Here is a beautifully bound, printed, and illustrated volume to give to the traveler. The author makes his own sketches—in the main very charming and well reproduced—and writes a thin, informative text to hold the illustrations together. How any artist could write of the churches of Milan and Pavia and omit the wonderful church of the Certosa with its fine marble façade, it is difficult to understand. Again, one might ask for a more characteristic sketch from Bergamo than that vague outline of the Città Alta seen from the plain below. For example, the fine open stairway of the old Brotello, so reminiscent of the beautiful stairway of the Bargello in Florence, or any scene from the little Piazza Garibaldi, would have been welcome; or the very ornamental Colleone Chapel just beyond, or the façade of the Cathedral, with its fine dome and marble façade. The same complaint holds good of Brescia, namely, that the picture, while charming in itself, is so much a bird's-eye view that it might easily be mistaken for any Italian city. The portal to the Cathedral at Verona is excellently chosen and charmingly executed, as is also the view of the interior of that Cathedral. The Cathedral of Padua, a night scene, comes out rather unimpressive in the print, but we are grateful to the artist for giving us that lovely mass of towers and domes and dreamy cloistral arches of St. Antonio which is perhaps the most charming sketch in the whole volume. Venice is accorded five sketches, of which St. Mark's and the Palazzi Foscari and Giustiniani are really very good—but that to one who has recently looked at Turner's water-color sketches of Venice nothing else has magic. The street scene in Genoa is a sheer delight, only it is more characteristic of Naples, with its gay-colored clothes waving like banners in the air, than of Genoa; and the portals of the Cathedral are excellent in color and drawing. The porch of the Cathedral at Lucca, the lovely picture of huddled, irregular roofs, which is the old town of Perugia, the Portà Suzanna, its high Gothic arch letting through a wonderful blue sky with masses of cotton-wool clouds, the market-place, and the brown, monastic walls of Siena lightened by masses of pink laurel below, the soft light on the Cathedral aisles melting the black and white stripes into a unified glow of blue and violet, and beyond all the beautiful glimpse of Orvieto set on its steep, brown rock, these are pictures to set the traveler's heart to beating fast and his soul to yearning over the magic land which is still the home of beauty. This is a gift-book, and one to praise without stint.

THE LURE OF THE GARDEN. By HILDEGARDE HAWTHORNE. New York: The Century Co., 1911.

Here is a book which should have been the most delightful gift-book of the season. Miss Hawthorne has done her part, but the illustrations are shocking. Who ever heard of illustrating that riot of color, a garden, in black and white? What on earth has black to do with a garden at any time except in Shelley's "Dream"? The volume purports to be "Illustrated in Full Color by Maxfield Parrish, Jules Guérin, Sigismond de Ivanowski, Anna Whelan Betts, and Others." Out of forty-eight

illustrations there are fourteen badly printed color-pictures, and three of these are done in only one color. The black-and-white prints, done apparently in many cases from poor photographs, are a blot upon the whole book. Compare this book with George Elgood's wonderful book of *English Gardens,* and *Italian Gardens,* or his delightful illustrations to Maeterlinck's *Old Fashioned Flowers,* and we see where this volume fails.

Under such headings as *Our Grandmother's Gardens, Washington's Garden, Childhood in a Garden, The Social Side of Gardens, Gardens and Gossips, Gardens of Some Well-Known People, Some Garden Vices, Gardens in Literature, Garden Gates, Gardens Public and Botanical, Winter Wonder, Possibilities of the Future,* Miss Hawthorne chats sagely and pleasantly of one of the most delightful of topics. She talks of old Salem Gardens frequented by Nathaniel Hawthorne; of the Cornish Gardens belonging to St.-Gaudens and Rose Nichols; of Mrs. Wharton's garden in Lenox and Mrs. Jack Gardiner's garden in Brookline. A child's inherent right to a garden is one of her claims, and a charming chapter deals with the gardens of literature; nor does she omit a Persian garden, the Countess of Bedford's garden, and the tea-gardens in Walworth praised by Hazlitt, Charles Dudley Warner's Garden of the Golden Summer, and the more recent *Garden of Allah.*

A Garden of Paris. By Elizabeth Wallace. Chicago: A. C. McClurg & Co., 1911.

Elizabeth Wallace, who writes the short, slight, touching essays in this tiny volume, must have lived once in a serious-fronted house on the Rue des Saint Pères, but her bedroom window looked out on a garden—"a wonderful and precious place, more silent and cool because so fearfully near the tumult and the glare." It was a garden full of splendid tall trees and carpeted with velvety grass, surrounded by convent walls, and gleaming with forget-me-nots, pansies, roses. From here the author makes trips to Fontainebleau, describes the garden of Tante Placide's gentle heart, or discourses in the garden of the Vanity of Learning and the inevitable shadows in the garden of Life. Tender, evanescent, slight, and gentle, these essays in and on a garden have a very special charm, and once again it is a pity that they are not better illustrated.

Surface Japan. By Don C. Seitz. New York: Harper & Brothers, 1911.

This handsome book, illustrated by color-photographs, is one of the most satisfactorily illustrated books of this season. Mr. Seitz's commentary is light and readable, the first natural observations of a foreigner visiting Japan. It is readable, entertaining, and just what the outsider cares to hear of an unvisited and unknown country. Profanity and abuse being practically unknown in Japan, Mr. Seitz gives an extract from Kelly and Walsh's Japanese *Phrase-Book* of such remarks and terms as may be used to relieve the feelings of the aggrieved. He makes some profound comparisons between the social conditions of the

United States and Japan. The book is beautifully printed on heavy Japanese paper, and the color-prints are exquisitely soft and beautiful.

Myths and Legends of Flowers, Trees, Fruits, and Plants. By Charles M. Skinner. Philadelphia: J. P. Lippincott & Co., 1911.

This volume is useful rather than ornamental. It contains an alphabetical list of flowers, trees, shrubs, and plants, and in each case mentions the plant's symbolic value and any mythological tale connected with the plant. The book shows research and learning and is a valuable addition to any garden library. The only fault to find with it is that it is cheaply illustrated with a few ill-chosen and inappropriate photographs.

The Brownings. Their Life and Art. By Lilian Whiting. Boston: Little, Brown & Co., 1911.

This is an ornamental, well-illustrated volume particularly suitable for a gift-book to any one interested in the most glorious era of Victorian literature. Without any pretense at anything new or of special import, although the author quotes from several unpublished letters of the poet, the volume has much gentle charm and has hit upon the new idea of combining the two biographies in one rather heavy volume. The author's friend, Robert Barrett Browning, appears more often in this biography than in any of the separate biographies of the poets, and supplies a pleasant little picture of the family group.

Miss Whiting has a habit of using more words than her thought requires, and of padding her real matter with a great deal of extraneous and unnecessary comment, theories of Karma, etc., etc., but the spirit of the book, despite the many flaws in craftsmanship, is gentle and lovely, and as a volume of literary gossip, a reconstruction of a most interesting period, it is quite delightful.

The Early Literary Career of Robert Browning. By Thomas R. Lounsbury. New York: Charles Scribner's Sons, 1911.

It is difficult to disagree with Mr. Lounsbury's little book of abuse without a sense of outrage. It seems such a waste of time and energy and thought to write a volume with the avowed aim of attacking a great reputation. It is a commonplace of literary criticism with a certain type of *littérateur* of an earlier generation in America to say that, if Robert Browning had been educated at a public school and an English university he would not have written Browning's works, but something quite different; certainly something more suited to the taste of the average university professor. Perhaps he would have written Lowell's Poems, or Clarence Edmund Stedman's. We are perfectly certain that even these advantages would not have induced him to write on Spelling Reform or the Standard of Usage in English, though we might then have been spared the present little volume of detraction.

It is quite evident that Mr. Lounsbury has been excessively annoyed by the more difficult of Browning's Poems, and even more annoyed by

the excessive adulation accorded to Browning a decade or two ago. Hence this little volume, which does as little credit to Mr. Lounsbury's temper as to his literary insight. The main thesis is that great work is always easy to read and of universal appeal. This truly democratic and American doctrine has had many advocates of late years, and when we find the man in the street preferring Plato and Dante to the gossip in the Sunday *World*, or youth clamoring for Kant and George Meredith, we shall begin to consider the claim. Thus far we have never heard of a great author who was easy to read. We are quite mindful in making the assertion of the claims of Shakespeare. He is said to have been a popular playwright in his day, and perhaps he was, but we have known several persons of quite average intelligence who had to read *Troilus and Cressida* three or four times to extract the story, and certainly Shakespeare has not been without numerous commentators.

Mr. Lounsbury holds it the duty of the writer, of the communicator of ideas, to put himself in the position of the recipient, apparently forgetting how very wholesome it is for the recipient to work himself into the position of the communicator. Again the professor of English quotes Donne as an example of a writer whose poetry is lost to the world because he was so obscure, and yet we have never heard of a single reader of poetry who did not hold Donne as a prime favorite, and he would indeed be a dull discerner who could read the *Second Anniversary* without delight. Is Richard Burton lost to the world because of his obscurities and quaintnesses, or is he in every reader's library? Is Dante without commentators? In fact, we find the whole theory that great writing is necessarily easy reading mistaken, although the converse, that easy writing is always hard reading to the man of taste, is quite true.

Another contention of Mr. Lounsbury's is that men of literary taste object to obscurity, and therefore Browning's appreciators are young men or women of active intellectuality who enjoy mental effort but have no taste. We had supposed that Dante Gabriel Rossetti, Swinburne, Coventry Patmore, George Meredith, Alice Meynell, Francis Thompson, Philip Bourke Marston, Lewis Nettleship might have been accredited with literary taste, and they were among Browning's fervent admirers.

Mr. Lounsbury quotes largely from contemporary criticism of Browning's work — unsigned criticism often contemptuous, and always contemptible in its ignorance and silliness. Many pages of severe reprehension are given to Browning's account of his difficulties with McCready. So eloquent are the insinuations against Browning's honesty and straightforwardness in the matter, so conclusive the evidence that Browning misstated wilfully the entire matter, that one is amazed at the end of the ten pages of proof against his honor, fairness, and truthfulness to find the sentence, "He himself (Browning) was incapable of making a statement which he knew to be untrustworthy." And yet just preceding this we read, "I have brought here into sharp contrast Browning's statement of facts about the production of *A Blot in the 'Scutcheon*." (Why, by the bye, does Professor Lounsbury call this play *A Blot i' the Scutcheon* with the facts as they actually are?) "Further minor conflicts with the eternal verities; further minor discrepancies between the two accounts for which he is responsible, lack of time and space compels me to omit."

If this is the way in which a great poet and a great world-force, ad-

mittedly incapable of a statement he knew to be untrustworthy, may be treated, what tenderness is due to a volume whose sole object is to injure if possible a great reputation, to drag low the noblest reach humanity has yet made, a great poet?

Mr. Lounsbury objects very seriously to Browning's "liberty of expression which approaches lawlessness." Now among scholars, Mr. Lounsbury's nickname is, "the Apostle of Lawlessness." What a turning of tables is here! But there is a difference. Browning's lawlessness is the laboring of a full and great mind struggling to convey profound meanings to small minds; Mr. Lounsbury's lawlessness is the attempt to drag all life and all literature to the level where it can be the possession of the least-trained intelligence. The author of the volume does not in the least mind writing a sentence which begins, "*About* the value or correctness *of* what *of* it is here given," etc., etc., and yet Flaubert wept when he found in a published sentence of his a repeated particle!

This little book was not needed to point out to readers that Tennyson is simpler to read than Browning, since he had a much simpler, less metaphysical mind; nor yet to show that Browning's fame must rest, in the ultimate analysis, on his lyrics and dramatic monologues rather than upon Strafford and Sordello. The attempt to prove that so noble a man was pig-headed, conceited, and unpleasant is an ungrateful and not a very worthy task.

One last word; this book contains lectures given at the University of Virginia in a course under the Barbour-Page foundation. There is perhaps no place in the entire world where the particular tone of this book would be more popular and do more thorough injury to the young minds accepting it. There are numerous misprints and typographical errors in the book. We are sorry to have seen the book; we are sorrier that any publisher wanted to publish it, and we are most sorry that the author should have felt called upon to write it or to deliver the lectures contained in it.

Goethe and His Women Friends. By Mary Caroline Crawford. Boston: Little, Brown & Co., 1911.

A man's intellect is never impossible to interpret more or less adequately, but when it comes to his heart, that is generally to be left to the Recording Angel. Mind may be followed and understood, but the heart very seldom. The "many-sided Goethe" was also many-sided in his emotions, and there would seem to have been in his nature a sensibility that responded quickly to almost every form of feminine attraction. But while Goethe was successively "in love," as the common phrase is, from his very boyhood on, it may yet be doubted whether he ever truly *loved,* unless it was his sister Cornelia, for whom he surely felt a very tender and sincere affection. For there is a great difference between the heart and the emotions, between emotional susceptibility on the one hand and a capacity for deep and lasting affection on the other. Whenever Goethe was in love he was always very much in love, as witness his neglect of his mother during Charlotte von Stein's ascendency; but he never loved as did Michael Angelo or Dante or Sidney, for instance. Love, who was the "Lord of Nobleness" to Dante, was to Goethe an

iris-hued, Psyche-winged visitant, always to be royally entertained, but never to be detained too long. When one touches upon Goethe, however, one ought by rights to begin with Rousseau, for emotionally, and in a measure, Goethe inherits from him. There is affinity between *La Nouvelle Héloïse* and the *Sorrows of Werther,* and the Prince of the Moderns was also in his youth the Prince of Sentimentalists. For no man, however individual and great, can wholly transcend his century, or rise above its feelings and its ideas. Like Rousseau, Goethe was very much a Man of Feeling. He was impatient of processes which seek to unravel a work of art, for instance, such as the first part of *Faust* or *Hermann und Dorothea,* or seek to trace it back to its origins in personal emotion, interpenetrative imagination, and indirect experience. Yet no great genius has furnished fuller means for such unravelment of his work than Goethe himself. His voluminous Letters, the *Dichtung und Wahrheit,* his work generally, one and all have their many revelations. And Goethe loses in a measure, perhaps, just as does Rousseau, from this over-much self-revelation. We can always spare something to the dignity and grace of reticence, for it should be a point of honor toward ourselves, as well as toward others, that the greater the truth the greater the silence. But it was not the fashion of the times to "love and be silent," but to love and exploit one's emotions. And no man ever enjoyed the process more, or did it more adroitly, completely, and delightfully, than Goethe. It is safe to say he never denied himself an emotion, he never inhibited a heart-throb. But so soon as emotional energy began to cool and to crystallize into thought he dispensed with the emotional incentive, analyzed the two processes of feeling and of thought, and sought to present them objectively and exquisitely as art. How much of his manifold love-affairs, from Gretchen down to Ulrike von Levetzow, Goethe really *felt* it would be impossible to say; but surely no one ever reveled more thoroughly in his own heart. To paraphrase Epicurus—he cured his emotions by indulging them. A passage in *Dichtung und Wahrheit* gives the sentimental quality of this emotional enjoyment, so peculiarly Goethean, as distinguished from more sensuous delight. It runs somewhat thus: "How exquisite is a walk in the fields toward twilight, when the last rays of the sun are disappearing in the west and the moon is beginning to rise in the east: such is the dawn of a new passion in the heart before the complete extinction of an old one—we enjoy the splendor of two luminaries at once." No, Goethe as a sentimentalist is incomparable; but Goethe as a true lover does not exist.

Goethe and His Women Friends, by Miss Crawford, handsomely illustrated, is a very acceptable addition to Goethean literature. The author here brings together and presents in a clear and attractive way much scattered information, and a sufficiently full account of Goethe's *Herzens-Wanderungen.* It is a very interesting subject, this interplay of intellect and of emotion, of head and heart, for Goethe was a man every part of whose nature came into interrelated activity and use. The various women who touched his imagination through his emotions, and set that mighty force to work, are here set clearly before us, and we feel their importance and their charm. Of all Goethe's emotional fancies, however, the one that haunts imagination and lingers longest in memory is Ulrike. She probably had the gift and high privilege of being a Lover in the true sense of the word.

LIFE IN THE MOSLEM EAST. By PIERRE PONAFIDINE. Translated from the Russian by Emma Cochran Ponafidine. New York: Dodd, Mead & Co., 1911.

"Civilization," said Sir Henry Maine, "is a fringe on the garment of barbarism," a truth that it is well to remember when we hear magniloquent talk about "Western Civilization," or encounter those many sentimentalists who seem to fancy that human nature is something that goes of itself. For there are marked varieties of "Fringe" to be observed even among ourselves—as also many differences in the fashion and quality of the "garment of barbarism."

Madame Ponafidine has conferred no small benefit upon student and general reader alike in thus putting into English her accomplished husband's deeply interesting and suggestive book, *Life in the Moslem East.* How well-nigh stationary the East is, how little it changes from generation to generation, may be seen as we compare this book with that wonderful storehouse of fact and fancy, *The Arabian Nights.* Barring genie and fairy, ghoul and sorceress, here are the same people, and very much the same life. The beautifully rich nap is now worn off, but the warp and patterns remain. Stripped of enchantments, whether friendly or dire, even the hinted stories of hot passion and intrigue, of blood, feud, and revenge, are similar, with the further significant truth that the Life of the East is pre-eminently for men and not for women. To the Bedouin, for instance, the three chief joys of life are the births of a she-camel, of a she-foal, and of a son; a daughter's coming is a misfortune, to be borne with fatalistic patience, and the pathetic and tragic phases of existence are to be seen chiefly in the lives of Moslem women.

M. Pierre Ponafidine, Russian Consul-General at Constantinople, is steeped in the life of these Eastern peoples, and writes from full information and deep interest of all and in all that goes on about him. Intelligent and unprejudiced observation is rare, and, besides the main things, M. Ponafidine tells those vivid "little things" that mean so much, and that so many travelers and scholars overlook, not recognizing their significance and value. Where there is so much variety it is hard to choose, but few bits are more interesting than the comprehensive descriptions of certain marked personages who have figured of late years in the turgid life of these semi-civilized peoples, since indirectly through the characterization of these personages much light is thrown upon movements of which the Western World knows scarcely more than the name. If one wants to know something of how human nature is forged, one must go to the East, and this is one of the books that aids in the understanding—never more than dimly approximate—of the fascinating process. Brief as it is, the account of the *Yezidis,* a sect of Kurds, gives a very clear idea of this singular and interesting body, whose religion, neither Moslem, Christian, nor Zoroastrian, yet shows traces of all three. Another interesting sect is that of the *Ali-Allahis,* with their strange mingling of Christian and Mohammedan belief, touched, too, with a Parsee influence, and in addition holding the doctrine of metempsychosis. Indeed, whatever touches the inner and real life of the people has commanded the attention, imagination, and thought of the very competent author. The book is really a storehouse of information of various kinds, religious, political, social—all brought together in a very attractive and readable form, and

it should prove of value to all who care for life in its strangeness and vastness. Future editions, however, would be improved by the addition of an index.

THE ROMAUNT OF THE ROSE. RENDERED OUT OF THE FRENCH INTO ENGLISH BY GEOFFREY CHAUCER. With twenty illustrations reproduced in facsimile of the original water-color drawings, by Keith Henderson and Norman Wilkinson, of Four Oaks. New York: Henry Holt & Co., 1911.

Among the noteworthy holiday books is Chaucer's version of *The Romaunt of the Rose,* with "twenty illustrations reproduced in facsimile of the original water-color drawings, by Keith Henderson and Norman Wilkinson, of Four Oaks."

This is a pleasant and taking book, not only to those who know their Chaucer and who are always glad to welcome an old friend, but also to those who have yet to make his delightful acquaintance. Moreover, in *The Romaunt of the Rose,* "rendered out of the French into English by Geoffrey Chaucer," one may read to his edification the sort of *short story* that charmed the lords and ladies of six hundred years agone. It is a tale and not a tale, fancy, allegory, morality all combined, with something of the naïve dream quality preserved throughout. The illustrators have been most happy in catching something of the real and unreal, of fancy and of actuality, of the times, and of our own reconstruction of the times. The picture of the "God of Love" is particularly fanciful and graceful. In feeling and color the illustrations are distinctive and beautiful, and while they belong, of course, to the Pre-Raphaelite School, they have, nevertheless, a sufficiently marked originality of their own. And though the pictures differ in artistic feeling and poetic imagination, yet on the whole they are very fairly expressive of the classic work they so finely adorn.

THE BOOK OF LOVE. ESSAYS, POEMS, MAXIMS, AND PROSE PASSAGES. ARRANGED BY ARTHUR RANSOME. New York: Frederick A. Stokes Company, 1911.

Here is still another gift-book, timely and pleasant. Love is a mansion of many rooms, ceiled with cedar and painted with vermilion; a song of many strains; a doom or a reward, according to the nature of its votary. Said Love, the Lord of Nobleness, to Dante, "I am as the center of a circle for which all parts of the circumference are equal." But this is love in its highest, finest, subtlest revelation. Love is always a word to conjure with, and since all men love a lover, Mr. Ransome has done excellently in thus bringing together some of the best expressions of the universal feeling. Nor is this, *The Book of Love,* one of those volumes of "Elegant Extracts"—that thing of shreds and patches abhorred of lover and book-lover alike, for what Mr. Ransome gives he gives in its entirety, even to the "Song of Solomon," whose true center of the circumference is, "Set me as a seal upon thy heart," but eight lines in all, and yet holding the essence of a thousand love-tales. Mr. Ransome's range is wide, including both poetry and prose, going from this Song of Songs through times and

tastes and fancies to Emerson's "Essay on Love," with its strong platonic cast. With such an embarrassment of riches, all the world of song and verse and prose before him, Mr. Ransome has shown nice skill in his selections. That he has given so much as a *whole* makes the book the more interesting to the general reader; and to the student—thus to have much brought together and made easily available—the book is made doubly welcome.

TALES. By HANS CHRISTIAN ANDERSEN. New York: Frederick A. Stokes Company, 1911.

According to Mencius, the Chinese philosopher, "He only is great who has kept his child's heart." And in this sense we may all account ourselves fortunately "great," since in reading Hans Christian Andersen, who does not feel that he has indeed kept his child's heart? For these consummate stories seem only the finer and more unique, are found to be only the more universally appealing as time goes on—so essentially true are they to Immortal Youth. The stories without pictures are enough, perhaps, but as genius in its turn inspires both genius and talent, any illustrator may be pardoned for attempting such a subject.

Among the most noticeable Christmas books, then, is a copy of Andersen, twelve of his famous tales, very beautifully illustrated with marginal illuminations, and with pictures quite unusual in feeling and color. Seldom does anything so sumptuous come into a child's possession, and the pictures are of such quality that they will appeal to older persons as well. Where all is so good it seems almost unnecessary to choose out any for special mention, but "The Nightingale," with its truly Chinese setting and effect, and the "Little Sea-Maid" are particularly noticeable. The color-schemes are beautiful, and the fairylike, dreamlike quality of the Tales themselves, the fascinating possibility of the True behind the Seeming Real, has been preserved throughout. This is among the most charming gift-books of the season.

UNDER WESTERN EYES. By JOSEPH CONRAD. New York and London: Harper & Brothers, 1911.

If fiction is to be written as present-day history, and it is coming so to be written, then it must make allowance for the instinctive thirst for happiness. For that thirst is just as much a truth of man's complex nature as any other truth, and so necessitates recognition. The very crimes that are committed in liberty's name, the intrigues and counter-intrigues of Russia's struggle for self-expression rather than for freedom, are so many signs of the thirst for happiness. This instinctive craving also implies vague conceptions, poor and tawdry though many of them be, and it is part of the novelist's duty, as well as his high privilege, to comprehend *all* of life: possibility, probability, actuality, ideality—*everything*. The historian takes what is given him and deals with what we call facts—actions demonstrable, documents provable—and puts no more nor other construction upon these than the concensus of opinion and of experience will warrant. Not so the novelist. His business and the historian's is

only approximately alike; their aims are different; their roads by no means the same. The confusion of arts is as great in supposing the historian's method and the novelist's to be alike as is the confusion of supposing painting and poetry to be similar. People instinctively feel that they have a right to demand of the novelist—just because he is presupposed to comprehend *all*—what they have no right to ask of the historian. What the historian has to give may or may not gratify the sense for happiness, the thought of travail accomplished, some sort of satisfaction achieved; but the novelist must give all this, and must allow scope for every phase of man's nature. Otherwise the novelist lacks the dramatic sense, fails to be salient and impressive, and his story is felt to be cramping and scamped, and to come lamely off. Realism for realism's sake, like art for art's sake, falls equally short of life—and it is life in its entirety that the novelist wishes and aims to give us.

Mr. Joseph Conrad has more than great talent; he has genius; and his latest novel is one of absorbing interest. Its very defects, seeing that it is too unrelieved — like that of a previous book, *The Secret Agent*— appeal just because of the "little more" that would have so greatly strengthened and have made more effective the picture. But just here comes in this confounding of values. The picture is too unrelieved for art, and yet is doubtless admirable as history. But Mr. Conrad thoroughly knows his Russia and Russians, the land and its people, with their strange mental and moral obsessions, their worship of an Unknown God which they call Liberty. There are mighty minds that have, nevertheless, little or no selective and constructive faculty. They are like human suns and take the picture of life accurately, but their work remains photographic; and while no one ever questions the truth and use of photography, one must equally recognize its limitations. Mr. Conrad is far from being merely photographic, however, since his work has unusual psychologic and subjective qualities. For in subtle fashion does he put before us the inversions and perversions of the Russian revolutionist mind. Just as there are physical diseases due to climate and modes of living, so there are mental diseases due to political conditions. And Russian terrorism is one of them. The "subliminal uprush" of intrigue and assassination is inevitably consequent upon the schooling of the nineteenth and twentieth centuries superimposed upon the political conditions of the thirteenth. The Russian revolutionists are schooled in French, German, and English ideas, and then are expected to live submissively under a semi-oriental form of government. So the strain upon the mental and moral nature is intense, and the effect alike disastrous to the individual and to the cause he seeks to serve. The motto of this book, like that of *Anna* Karénina, might be "Vengeance is mine"; for life rights itself, corrects, and revenges.

Mr. Conrad's book, somber as it is, gives an impressive idea of human nature under terrible conditions, and it is well worth a serious and careful reading by all who are interested in present history and in human, every-day life.